

# City of Circleville

## ZONING CODE

ADOPTED BY COUNCIL – 8.2.2022

AMENDED BY COUNCIL – 10.18.2022

AMENDED BY COUNCIL – 2.21.2023

---

# *Title I*

## *General Provisions*

---

### *Chapter 1101 – Purpose and Authorization*

#### 1101.01 Title

This Ordinance shall be known and may be cited as the Zoning Code of the City of Circleville, Ohio. This Ordinance is enacted under the authority of the City pursuant to Chapter 713 et al. of the Ohio Revised Code.

#### 1101.02 Purpose

This Ordinance is enacted to promote and protect the public health, safety, comfort, prosperity, and general welfare of the residents of Circleville. The City has given careful consideration to the Circleville Land Use Plan, the current character and conditions of the City, and the current economic climate of the City. It is the intent of this Ordinance to create regulations that:

- a) Identify the most appropriate and desirable land uses for the various character areas; and
- b) Promote reasonable, sustainable development within the City by allowing a variety of residential densities, commercial, mixed use and employment-based development opportunities; and
- c) Facilitate the adequate but economical provision for public improvements and services; and
- d) Conserve and protect the City's natural resources and scenic areas; and
- e) Provide efficient movement of traffic to reduce congestion and increase the safe movement of people and goods within the city and to the connecting Columbus region; and
- f) Create development standards for signs, landscaping, parking and lighting that reflect and enhance the character areas and promote, protect and buffer adjacent land uses, as necessary; and
- g) Advance projects through the review process efficiently and effectively without compromising the quality of life in the City; and
- h) Provide effective enforcement procedures to assist city officials with efficient implementation of the regulations to protect the health, safety, and welfare of the city.

#### 1101.03 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements (unless a maximum standard is specified), adopted for the promotion of public health, safety and the general welfare. Whenever the requirements of this Ordinance are at variance with any other lawfully adopted rules, regulations, ordinances, or resolutions, the regulations in this Ordinance shall control.

#### 1101.04 Applicability

The regulations adopted by this Ordinance shall apply to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond issuing authority located within the corporate limits of the City of Circleville and any additional lands where the City may have future zoning jurisdiction. No building, structure or land shall hereafter be used or occupied, and no building

or structure or part thereof be erected, reconstructed, moved or altered except for in conformity with all of the regulations herein specified for the zone or district in which it is located.

#### 1101.05 Separability

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

## *Chapter 1105 – Definitions*

For the purpose of this Ordinance, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “shall” is mandatory; the word “used” shall include the words “arranged,” “designed,” “constructed,” “altered,” “converted” or “intended to be used,” and a “person” shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or Buildings.

**ACCESSORY STRUCTURE OR USE** – A use or structure, not including those less than 100 square feet, subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, and other similar type buildings. This definition does not include patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade.

**ADULT BOOKSTORE** – A commercial establishment where at least fifty-one percent (51%) of its interior floor area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, other periodicals or digital presentations whose dominant theme is the actual or simulated Specified Sexual Activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.

**ADULT BUSINESS** – Any adult bookstore, adult cabaret, adult mini-theater, or adult motion picture theater.

**ADULT CABARET** – A restaurant, coffee house, bar or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide live adult entertainment for commercial purposes.

**ADULT CARE FACILITY** – Any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public.

**ADULT ENTERTAINMENT** – Any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of anatomical areas, removal of articles of clothing, or total nudity, offered for commercial purposes.

**ADULT FAMILY HOME** – A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults.

**ADULT GROUP HOME** – A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**ADULT MINI-THEATER** – An enclosed building with a capacity of less than fifty (50) persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**ADULT MOTION PICTURE THEATRE** – An enclosed building with a capacity of fifty (50) or more persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**ADVANCED MANUFACTURING** - A use that involves computer technology, robotics, or other innovation to improve a product or process.

**AGRICULTURE** – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning Districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning District.
- C. Feeding garbage to animals, raising poultry or fur-bearing animals as a principal use, or operation or maintenance of a commercial stockyard or feed yard.
- D. Feeding, grazing or sheltering of animals or poultry in pens or confined areas.

**ALLEY** – A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

**ALTERATION (in Historic District)** – Any action to change, modify, reconstruct, remove or demolish any exterior features of an existing structure or site within a Historic District.

**ANIMAL SERVICES FACILITIES** - any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal care facilities may also include animal grooming establishments.

**APPEAL** – A request by an aggrieved party for a review of any adverse decision by a city official, council, board or commission.

**ARCHEOLOGY** – means the scientific study of material remains (such as tools, pottery, jewelry, stone walls, and monuments) of past human life and activities.

**AREA OF SPECIAL FLOOD HAZARD**- the land in the Flood plain adopted by the City, including that identified by the Federal Emergency Management Agency (FEMA), which is subject to a 1% or greater chance of Flooding in any given year.

**AUTOMOBILE-ORIENTED USES** – a use where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-thru restaurants, drive-in restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new and used) in addition to any facility that provides a fixed parcel pickup location is not included within this definition.

**AUTOMOBILE OIL CHANGING FACILITY** – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

**AWNING** – A hood or cover that projects from the wall of a Building and which can be retracted, folded or collapsed against the face of the supporting Building.

**BASE FLOOD** - the Flood having a 1% chance of being equaled or exceeded in any given year. The base Flood may also be referred to as the 100-year Flood.

**BASEMENT** – The portion of a building where the floor is not less than 2 feet below and the ceiling is not more than 4 feet, 6 inches above the average Grade.

**BEVERAGE SALES, ALCOHOLIC** - A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

**BEVERAGE SALES, MICROBREWERY** – A limited production brewery, typically producing specialty beers and selling them on-site or for local distribution.

**BUILDING** – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

**BUILDING LINE** – A line parallel to the right-of-way line and at a distance there from equal to the required depth of the front setback (as determined by the applicable zoning district), and extending across the full width of the lot.

**BUSINESS** – Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used

in other businesses.

**BUSINESS, RETAIL** – a Use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of the goods.

**BUSINESS, SMALL RETAIL** – a Retail or Wholesale business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

**BUSINESS, MEDIUM RETAIL** – a Retail or Wholesale business that is at least five thousand (5,000) square feet in area, but less than twenty (20,000) square feet in area.

**BUSINESS, LARGE RETAIL** – a Retail or Wholesale business that is twenty thousand (20,000) square feet or larger.

**CEMETERY** – Land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

**CERTIFICATE OF ZONING COMPLIANCE** – A certificate issued by the Zoning Administrator confirming that the requirements of this Ordinance have been met and the building can be occupied.

**CO – LOCATION** – The use of a telecommunication tower by more than one (1) telecommunications provider.

**COMMENCEMENT OF WORK** – The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

**COMMERCIAL RECREATIONAL FACILITY, LARGE** – a facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than 5,000 square feet.

**COMMERCIAL RECREATIONAL FACILITY, SMALL** – a facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

**COMMERCIAL RECREATIONAL FACILITY, OUTSIDE** – a facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user – public in a

sports related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

**COMMUNITY FACILITIES** – A public safety facility that includes detention centers, jails and prisons.

**CONDITIONAL USE** – A desirable use within a zoning district that may more intensely affect the surrounding area than would a permitted use in said district. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

**CONTRACTOR OFFICE** – facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

**DAY CARE CENTERS** – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

**DAY-CARE HOME, FAMILY LARGE** – a permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

**DAY-CARE HOME, FAMILY SMALL** – a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. “Type B Family Day-Care Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

**DEVELOPMENT** – any man-made change to improved or unimproved real estate, including but not limited to Buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials located within the area of



special Flood hazard.

**DISTRICT** – Any section of the city in which the zoning regulations are uniform.

**DRIVEWAY (ACCESS POINT)** – A private drive giving access from a public way to a detached single family dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the city and for the maintenance of which the city shall not be responsible.

**DWELLING UNIT** – Any Building or portion thereof with one or more rooms and a single kitchen which is designed or used for residential purposes of one family, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**DWELLING, MULTI-UNIT-** A Building designed or used as a residence with 3 or more independent residences.

**DWELLING, SINGLE UNIT-** A Building designed for or used exclusively for residence purposes by one family situated on a parcel having a Front, Side, and Rear Yard.

**DWELLING, TWO UNIT** – A building designed for or used exclusively for two families living independently where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

**ENCROACHMENT** – the intrusion on another person’s property or public right-of-way, intentional or unintentional.

**ENVIRONMENTAL CHANGE** – means the construction, alteration, demolition or removal of any property subject to the provisions of the Historic Overlay District.

**EQUIPMENT REPAIR, LARGE** – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.

**EQUIPMENT REPAIR, SMALL** – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

**FAÇADE** – the face of a building, especially the principal front that looks onto a street or open space.

**FEATHERED FLAG** – a vertical, portable and temporary sign that contains a harpoon style pole or staff driven into the ground for support or supported by means of an individual stand.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – the agency with the overall responsibility for administering the National Flood Insurance Program.

**FENCE** – Any structure composed of wood, metal, stone, plastic or other natural or permanent

material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

**FENCE, PICKET** – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

**FENCE, WROUGHT IRON** – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

**FLEX-OFFICE LABORATORIES** – a space for a combination of office and laboratory uses that has build out capabilities to meet individual needs.

**FLEX-OFFICE WAREHOUSES** – a space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

**FLEX-RETAIL WAREHOUSES** - a space with store fronts with small rear warehousing that has build out capabilities to meet individual needs.

**FLOOD OR FLOODING** – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODWAY FRINGE** – The portion of the regulatory floodplain outside the floodway.

**FLOOD INSURANCE –RATE MAP (FIRM)** – an official map on which the Federal Emergency Management Agency has delineated both the areas of special Flood hazards and the risk premium zones applicable to the City.

**FLOOD INSURANCE STUDY (FIS)** – the official report provided by the Federal Emergency Management Agency that includes Flood profiles, Floodway boundaries, and the water surface elevation of the base Flood.

**FLOOD PROTECTION ELEVATION** – the elevation not less than one- and one-half feet above the base Flood elevation to which uses regulated by the Special Flood Hazard Regulations are required to be elevated or Flood proofed to compensate for the many unknown factors that could contribute to Flood elevations greater than that calculated for a base Flood. In areas where no base Flood elevations exist from any authoritative source, the Flood protection elevation can be historical Flood elevations, of base Flood elevations determined and/or approved by the Floodplain administrator.

**FLOODPLAIN ENCROACHMENT** – any Floodplain development that could obstruct Flood

flows, such as fill, a bridge, or other development.

**FLOODWAY** – the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity Flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**FLOOR AREA** – The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

**FLOOR AREA, LIVABLE** – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than 6 feet in height be considered livable floor area.

**FOOD CART** – a small, wheeled vehicle typical pushed by hand, bicycle or propelled in some similar muscular manner to move it from place to place in order to offer already prepared or prepackaged food or ice cream for sale to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a food cart.

**FOOD TRUCK/TRAILER** – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio.

**FOOD TENT** – a open-aided, temporary structure with four legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

**FOOD TENT, LARGE** – Any food tent that is greater than four hundred (400) square feet.

**FOOD TENT, SMALL** – Any food tent that is four hundred (400) square feet or less.

**FRONTAGE** – The portion of a lot that directly abuts a public street or street right – of – way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right – of – way that are not continuous or abuts two (2) or more separate and distinct rights – of – way, the segments shall not be totaled together when calculating lot frontage. Rather the lot frontage will be measured from only the segment that directly abuts the public street or street right – of – way and provides access to the lot. Property lines that abut limited access roads

shall not be construed to be included within any calculation of lot frontage.

**FUNERAL SERVICES FACILITIES** – A Building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

**GARAGE, PRIVATE** – An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

**GARAGE, PUBLIC** – A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

**GRADE** – The ground elevation established for the purpose of regulating the number of stories and the height of Buildings. The Building Grade shall be the level of the ground adjacent to the walls of the building if the finished Grade is level. If the ground is not entirely level, the Grade shall be determined by averaging the elevation of the ground for each face of the building.

**HEIGHT** – The distance between the average Grade of a building to the highest point of the roof.

**HEALTH CARE FACILITIES** – General and specialized hospitals and associated clinics, rehabilitation centers, senior and assisting living, nursing homes, or other similar facilities providing health related services and involving the overnight or long term stay of patients.

**HOME OCCUPATION** - An accessory use which is an activity, profession, occupation, service, craft or revenue – enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

**HOTEL** – A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.

**HOTEL, BOUTIQUE** – A small hotel with less than 50 rooms that is located in a pedestrian oriented business area. These hotels typically have a strong artisan sense and focus on the design on the building and rooms.

**IMPERVIOUS SURFACE** – Any material that prevents absorption of storm water into the ground, such as concrete or asphalt. This does not include gravel.

**INDUSTRIALIZED UNIT** - A building unit or assembly of closed construction fabrication in an off-site facility, which is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity but does not include a permanently sited manufactured home or mobile home as defined in this Ordinance.

**INSTITUTIONAL USES** – Those uses organized, established, used or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

**JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES** – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

**LOGISTICS** – A large building where material, products, or other manufactured goods are acquired, stored and transported to their final destination. There is no production, processing, assembling or packaging of products or materials in these buildings.

**KENNEL**- any enclosure, premises, building, structure, lot, area of one ownership where six (6) or more dogs, cats, or other animals are kept. These facilities also consist of services open to the public that includes, but are not limited to boarding, training, and sale of animals.

**LANDMARK** – means any property identified and listed individually, and protected under the terms of this ordinance, but not located within a Historical Overlay District.

**LANDSCAPING** – The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

**LEGAL DESCRIPTION** – The geographical description of real estate that identifies the precise location, boundaries and any easements for the purpose of a legal transaction, such as a transfer of ownership. A legal description can include either a metes and bounds description or a subdivision plat.

**LOADING SPACE, OFF – STREET** – An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**LOT** – A division of land separated from other divisions for purposes of sale, lease, or separate

use, described on a recorded subdivision plat, recorded map or by metes and bounds.

**LOT, CORNER** – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also see LOT LINE, FRONT)

**LOT, COVERAGE** – The cumulative area of all buildings and impervious surfaces divided by the total lot area.

**LOT, INTERIOR** – A lot that abuts no more than one street and that fronts a street on not more than one side.

**LOT LINE** – A line bounding or demarcating a plot of land or ground.

**LOT LINE, FRONT** - The property line fronting a roadway right-of-way which provides the principle access; and used by the U.S. Postal Service for the delivery of mail to the structure located on the property. In the case of a Corner Lot, the owner may select which lot line abutting a street is the Front Lot Line.

**LOT LINE, REAR** – The lot line that is opposite the front lot line and farthest from it.

**LOT LINE, SIDE** – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

**LOT, MINIMUM AREA** – The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**LOT OF RECORD** – A lot which is part of a subdivision or metes and bounds description that is recorded in the Pickaway County Recorder's office prior to the effective date of this Ordinance.

**LOT, WIDTH** – The width of a lot at the building line measured at right angles to its depth.

**MAKER SPACE, SMALL** – A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass or other related items. No odor, fumes or excess noise may be produced at the facility.

**MAKER SPACE, LARGE** – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodwork, furniture, pottery, glass or other related items. The facility can also have shared office space.

**MANEUVERING AISLE** – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

**MANUFACTURED HOME** – A building unit or assembly of closed construction fabricated in an off-site facility, which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURED HOME PARK** – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**MANUFACTURED HOME, PERMANENTLY SITED** – A manufactured home, as defined herein, that meets all of the following criteria:

1. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The structure was manufactured after January 1, 1995.
5. The structure is not located within a manufactured home park.
6. Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURING** - Any industry that makes products from raw materials by the use of manual labor or machinery. This definition also includes the compounding, processing, assembling and packaging of goods.

**MOBILE HOME** – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, which is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited manufactured home or industrialized unit as defined in this Ordinance. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this code.

**MONOPOLE** – A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**MOTEL** – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

**MOTOR VEHICLE** – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

**MURAL, GHOST** – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a structure.

**MURAL** – See Sign, Wall Display, Mural

**NON – CONFORMING STRUCTURE** – Any building or structure lawfully existing on the

effective date of these regulations or amendment thereto, which does not conform to the development standard of the district in which it is located.

**NON – CONFORMING USE** - Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the district in which it is situated.

**NURSING HOME** – A home or facility used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. For purposes of this Ordinance, nursing homes are considered Health Care Facilities (see definition for Health Care Facilities).

**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE** - A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.

**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL** - A building that is less than 5,000 gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical or bureaucratic work.

**OPEN SPACE** – That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

**OUTDOOR RECREATION FACILITY**– an area that is not fully enclosed by walls and a roof which includes, but are not limited to uses such as athletic fields, parks, (excluding neighborhood parks) court sports, tracks, swimming pools, golf related activities, and similar outdoor recreation uses.

**OUTDOOR SEASONAL BUSINESS** – A use that is conducted on a temporary basis and is



outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

**OUTDOOR SERVICE FACILITY** – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. For the purposes of this Ordinance, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

**OWNER** – Owner of record according to records contained in the County Recorder’s Offices.

**PARKING AREA** - An open area other than a street or other public way that is used for the parking of motor vehicles.

**PARKING SPACE, OFF-STREET** – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

**PENNANT** – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

**PERSONAL SERVICES** – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

**PLACES OF ASSEMBLY, LARGE** – any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

**PLACES OF ASSEMBLY, SMALL** – any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

**PORTABLE HOME STORAGE UNIT** – Any assembly of materials which is designed, constructed or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

**PRACTICAL DIFFICULTY** – A standard utilized to determine whether an area variance should be granted. It is based a number of criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

**PRESERVE OR PRESERVATION** – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

**RECONSTRUCTION** – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**REHABILITATION** – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**RESEARCH AND DEVELOPMENT** – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

**RESIDENTIAL CARE FACILITY** A home that provides either of the following:

Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Revised Code.

**RESIDENTIAL FACILITY, SMALL** – A class two facility licensed under Section 5119.34 of the Ohio Revised Code that provides accommodations, supervision, and personal care services for five (5) or fewer unrelated persons for any of the following:

- (i) One or two unrelated persons with mental illness;
- (ii) One or two unrelated adults who are receiving payment under the residential state supplemental program;
- (iii) Three to five unrelated adults.
- (iv) (ORC 5119.34(B)(1)(b))

**RESIDENTIAL FACILITY, LARGE** – A class two facility licensed under Section 5119.34 of the Ohio Revised Code that provides accommodations, supervision, and personal care services for at least six (6) but no more than sixteen (16) unrelated persons for any of the following:

- (i) One or two unrelated persons with mental illness;
- (ii) One or two unrelated adults who are receiving payment under the residential state supplemental program;
- (iii) Six to sixteen unrelated adults.
- (iv) (ORC 5119.34(B)(1)(b))

**RESIDENTIAL FACILITY, MENTAL HEALTH SERVICES** - A class one facility licensed under Section 5119.34 of the Ohio Revised Code that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

**RESPONSIBLE PARTY** – The owner of the property as determined by the Pickaway County Auditor’s Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

**RIGHT-OF-WAY LINE** – The boundary of the strip of land occupied or intended to be occupied by a road, street, or alley and associated sidewalk or multi-use path.

**ROOMING HOUSE** – a building containing three or more rooming units not offering nursing or dietary care, therapy, or counseling for its occupants.

**ROOMING UNIT** – A room available for rental occupancy for periods of seven days or longer but not equipped with a kitchen facility so as to constitute a dwelling unit.

**SCHOOL, TECHNICAL** – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

**SATELLITE DISH ANTENNA, LARGE** - Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short-wave listeners.

**SATELLITE DISH ANTENNA, SMALL** - Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

**SELF SERVICE STORAGE FACILITY**– An individual compartment or stall used for the storage of customer’s goods or wares.

**SETBACK, FRONT** – The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

**SETBACK, REAR YARD** – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

**SETBACK, SIDE YARD** – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

**SEXUAL CONDUCT** – Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

**SHORT-TERM RENTAL** – A dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty (30) consecutive nights. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. This includes, but is not limited to: bed-and-breakfasts, AirBnBs, VRBOs, overnight rentals, and vacation rentals.

**SIGN** – Any device for visual communication which is designed, intended or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public right – of – way or adjacent property, including interior signs oriented towards the exterior façade of any Building or structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization or business.

**SIGN, ANIMATED** – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**SIGN, ENTRY FEATURE** – A sign intended to provide the identity a residential development or commercial development with more than one lot or tenant.

**SIGN, GAS INFLATABLE** – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event or business.

**SIGN, FLASHING** - A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

**SIGN, FREESTANDING** – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

**SIGN, BILLBOARD** - A type of free-standing sign that is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, that are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

**SIGN, GROUND MOUNTED** – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars or posts.

**SIGN, PYLON** – A type of free-standing sign that is supported by pole(s), pillars, posts or other free-standing support and is less than 200 square feet.

**SIGN, PERMANENT** – A sign intended to be erected, displayed or used, or in fact which is used for time period in excess of 30 days within any 180-day period.

**SIGN, TRAILER** – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

**SIGN, PROJECTING** – A sign which extends outward perpendicular to the building face.

**SIGN, ROOF** – Any sign erected upon or completely over the roof of any building.

**SIGN, TEMPORARY** – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, feathered flags, development signs, community event signs, Garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

**SIGN, WALL DISPLAY** – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plan of the wall. Wall signs include, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

**SIGN, WALL** – A wall display that is less than 125 square feet.

**MURAL, ORIGINAL ART** – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a structure. Original Art Mural does not include:

- Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
- Murals containing electronical or mechanical components; or
- Changing mural images

**MURAL, VINTAGE ART** – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon or affixed directly to an exterior wall of a structure prior to the date of adoption of this Ordinance.

**WALLSCAPE** – A type of wall display that greater than 125 feet and is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a building.

**SIGN, WAY FINDING** – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

**SIGN, WINDOW** – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

**SOLAR, ARRAY** - a mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

**SOLAR ENERGY SYSTEM** - the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from nonrenewable resource.

**SOLAR ENERGY SYSTEM, GROUND MOUNTED** – A solar electrical system that is mounted directly to a ground mounted structure instead of solely on a building wall or roof.

**SOLAR ENERGY SYSTEM, ROOF MOUNTED** – A solar electrical system that is mounted directly to the roof of a building.

**SOLAR, PANEL** – an array of solar cells used to generate electricity directly from sunlight.

**SPECIFIED SEXUAL ACTIVITIES** – simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

**START OF CONSTRUCTION** - the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**STREET**- A paved public vehicular right-of-way which provides access to abutting properties from the front.

**STRUCTURE** – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs, (billboards), and farmers’ street-side stands.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

**SUBSTANTIAL IMPROVEMENT/ALTERATION** - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure’s designation as a historic structure.

**SUBSTANTIALLY COMPLETE** – The stage in which the work, described in the zoning permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

**SWIMMING POOL, PRIVATE FAMILY** – A swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

**SWIMMING POOL, COMMERCIAL** – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also, all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

**TELECOMMUNICATION TOWER** – A structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are

excluded from this definition.

**TELECOMMUNICATIONS TOWER, FREE STANDING** – Any free-standing structure that meets the criteria for a telecommunication tower, as defined herein.

**TELECOMMUNICATION TOWER, ATTACHED** – Any structure that will be attached to a Building or other structure that meets the criteria for a telecommunication tower, as defined herein.

**TINY HOME** – A dwelling unit that is less than 400 square feet but still provides kitchen, bathroom and living space.

**TRACT** – The entire area included in a proposed development, which may include one or more parcels or lots.

**TREE, SMALL** – any tree species which normally attains a full-grown height of under 30 feet.

**TREE, MEDIUM** – any tree species which normally attains a full-grown height between 30-50 feet.

**TREE, LARGE** – any tree species which normally attains a full-grown height above 50 feet.

**TRUCK TRAVEL CENTER** – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

**UNNECESSARY HARDSHIP** – A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner's right to the beneficial use of property that is caused by the strict enforcement of this Ordinance. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant.

**USE** – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

**VARIANCE** – A modification of the strict terms of this Ordinance due to the strict enforcement of these regulations resulting in a practical difficulty or Unnecessary Hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or other similar requirement. This type of variance is typically reviewed using a Practical Difficulty standard.

VARIANCE, USE – A type of variance to allow a use that is otherwise prohibited within the district. This type of variance is typically reviewed using an Unnecessary Hardship standard.

**VEHICLE, RECREATIONAL** – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats and jet skis.



**VEHICULAR SALES** – An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

**VEHICULAR, SALES MOTORCYCLES** – An open area or building used for the display, sale or rental of new or used motorcycles and where only incidental repair work is done.

**VEHICULAR SALES, RECREATIONAL** - An open area or building used for the display, sale or rental of new or used recreational vehicles and where only incidental repair work is done.

**ZONING INSPECTOR** – The authorized representatives appointed by the Mayor to issue zoning permits and perform other duties as specified in this Ordinance.

**ZONING MAP** – A map of the City of Circleville that legally denotes the boundaries of the zoning districts as they apply to the properties within the City. The official zoning map shall be kept on file in the City administrative offices.

**ZONING PERMIT** – A document issued by the zoning administrator authorizing the construction or alteration of a building, structure, or use consistent with the terms of this Ordinance.

---

## *Title III*

### *Administration and Enforcement*

---

#### *Chapter 1111 – Administrative Bodies and Duties*

##### 1111.01 PLANNING AND ZONING COMMISSION

a) Establishment and Organization.

1. The Planning and Zoning Commission is established and organized in accordance with Chapters 711 and 713 of the Ohio Revised Code.
2. The Planning and Commission shall have seven (7) members consisting of the following:
  - A. The Mayor
  - B. The Director of Public Service
  - C. President of the Board of Park Commissioners
  - D. Four (4) residents of the City appointed by the Mayor.
3. The term of each member shall be six (6) years.
4. A Commission member shall be removed for non-performance of duty, misconduct in office, or other cause as determined by the City Council.

Prior to removing a member, City Council shall hold a hearing regarding the charges. The member shall be given the opportunity to respond to the charges during this hearing.

5. If a Commission member is removed or resigns prior to the expiration of his or her term, the Mayor shall be responsible for appointing a new Commission member within 60 days to fill the unexpired term.

b) Procedures.

1. Four (4) members of the Commission shall constitute a quorum. Any action by the Commission must be by a concurring vote of the majority of the Commission members present.
2. All Planning and Zoning Commission meetings shall be open to the public in accordance with Section 121.22 of the Ohio Revised Code.
3. The Commission shall elect a Chair, Vice Chair and Secretary at its first meeting of each calendar year. The Commission shall, from time to time, adopt rules and regulations necessary to administer this Zoning Ordinance.

4. All actions of the Planning and Zoning Commission shall be initiated by motion and shall be recorded in the minutes.
5. The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each application or question, or if a member is absent or fails to vote, the minutes shall indicate this fact.
6. At the request of the Commission, City Council shall budget and appropriate funds and enter into a contract to retain services of a Recording Secretary. If no Recording Secretary is retained, the Commission member elected as Secretary shall be responsible for maintaining the minutes as indicated in this section.
7. All applications and materials submitted to the Planning and Zoning Commission in addition to the meeting minutes shall be considered a public record.

c) Duties and Responsibilities

1. The Planning and Zoning Commission shall have the following duties and responsibilities:
  - A. Develop and recommend a Comprehensive Plan and amendments of said plan to Council.
  - B. Initiate appropriate map or text changes to this Ordinance when such revisions would promote public health, safety and welfare.
  - C. Review all proposed text and map amendments to this Ordinance in accordance with this Code and make recommendations to City Council.
  - D. Serve as the platting authority for the City and assume all duties and responsibilities granted under Sections 711, 713, and 735 of the Ohio Revised Code.
  - E. Review and approve/deny development plans when required by this Ordinance.
  - F. Review and approve/deny Site Plan Design applications.
  - G. Prepare and make recommendations to Council on a zoning plan for newly annexed lands pursuant to the procedures of this Ordinance.
  - H. Any other powers granted by this Ordinance or the Ohio Revised Code.

2. The Planning and Zoning Commission shall also have any other powers granted by this Ordinance or the Ohio Revised Code not specifically stated herein.

#### 1111.02 ZONING INSPECTOR

##### a) Establishment

A Zoning Inspector shall be appointed by the Mayor to administer and enforce this Ordinance. In the performance of his/her duties, the Zoning Inspector shall function as an employee of the City.

##### b) Duties and Responsibilities

1. As part of administering this Ordinance, the Zoning Inspector shall have the following specific duties and responsibilities.
  - A. Interpret the meaning and application of this Ordinance.
  - B. Receive, process and take action on applications for a Zoning Permit.
  - C. Review all applications for Zoning Amendments, Variances, Conditional Uses and Certificates of Appropriateness, provide a staff report and recommendation to the Planning and Zoning Commission, Board of Zoning Appeals, and Historic Review Board, as applicable.
  - D. Conduct inspections of buildings and uses of lands to determine compliance or non-compliance of this Ordinance.
  - E. Make determinations on whether violations of this Ordinance exist and work with the City Law Director to remedy any identified violations in accordance with the procedures of this Ordinance.
  - F. Revoke a Zoning Permit issued contrary to this Ordinance due to false statement or misrepresentation on the application.
  - G. Maintain records in accordance with the City's record retention policy. These records include, but are not limited to the Zoning Map, Zoning Permits, inspection documents, applications and supplemental materials submitted for Zoning Amendments, Variance, and Conditional Uses.
2. The Director of Public Service may assign additional duties and responsibilities to the Zoning Inspector that pertain directly to the administration and enforcement of this Ordinance.

#### 1111.03 BOARD OF ZONING APPEALS

##### a) Establishment and Organization

1. The Board of Zoning Appeals is established and organized in accordance with Chapter 713 of the Ohio Revised Code.
2. The Board of Zoning Appeals shall have five (5) members consisting of residents from the City of Circleville. Members shall be appointed by the Council.

3. Council may appoint up to two (2) alternate members who are electors of the City of Circleville to serve in the absence of regular members.
4. The term of each regular member shall be five (5) years. The term for each alternate member shall be for one (1) year.
5. A Board member shall be removed for non-performance of duty, misconduct in office, or other cause as determined by the City Council.
  - A. Prior to removing a member, City Council shall hold a hearing regarding the charges. The member shall be given the opportunity to respond to the charges during this hearing.
6. If a Board member is removed or resigns prior to the expiration of his or her term, the Council shall be responsible for appointing a new Board member within 60 days to fill the unexpired term.
7. Members of the Board shall not simultaneously serve on the Planning and Zoning Commission or any municipal body or position from which appeals may be taken to the Board.

b) Procedures

1. Three (3) members of the Board shall constitute a quorum.
2. The Board must make notation prior to the start of any hearing if an alternate member will be sitting and voting in place of a regular member. There shall never be more than five voting members.
3. A voting member, regular or alternate, must be present for the entire hearing and deliberations in order to vote on the matter.
4. Any action by the Board must be a concurring vote of the majority of the voting Board members identified at the beginning of the hearing.
5. All Board meetings shall be open to the public in accordance with Section 121.22 of the Ohio Revised Code. The Board of Zoning Appeals, acting in its administrative capacity, may recess its meeting for the purpose of deliberating the merits of an application in private. All decisions by the Board shall be made during the public meeting.
6. The Board shall have the authority to subpoena witnesses and administer oaths. Any person providing testimony at a hearing shall be sworn in by the Board.
7. The Board has the authority to call upon the various City departments or outside consultants to serve as subject matter experts on specifically identified purposes or to assist the Board with its duties.
8. The Board shall elect a Chair, Vice Chair and Secretary at its first meeting of each calendar year. The Board shall, from time to time, adopt rules and regulations necessary to administer this Zoning Ordinance, which may include training requirements necessary to be reappointed to the Board by Council.
9. All actions by the Board shall be initiated by motion and recorded in the minutes.

10. The Board shall keep minutes of its proceedings, showing the vote of each member upon each application or question, or if a member is absent or fails to vote, the minutes shall indicate this fact.
  - A. At the request of the Board, City Council shall budget and appropriate funds and enter into a contract to retain services of a Recording Secretary. If no Recording Secretary is retained, the Board member elected as Secretary shall be responsible for maintaining the minutes as indicated in this section.
11. All applications and materials submitted to the Board of Zoning Appeals in addition to the meeting minutes shall be considered a public record.

c) Duties and Responsibilities

1. The Board of Zoning Appeals shall have the following duties and responsibilities:
  - A. Hear appeals, upon application of an aggrieved person, of a Zoning Inspector's issuance or denial of a zoning permit, interpretation of this Ordinance, or other administrative action taken by the Zoning Inspector in accordance with this Ordinance. This does not include the issuance of a zoning violation by the Zoning Inspector. Said violations must be processed according to Section 1115.01 of this Ordinance.
  - B. Declare a Zoning Permit null and void in accordance with Section 1111.02(b)(1)(F) of this Ordinance.
  - C. Hear and take action on any application filed for a variance from the regulations in this Ordinance.
  - D. Hear and take action on any application filed for a conditional use permit in accordance with this Ordinance.
  - E. Hear and take action on requests regarding the continuance, expansion or extension of non-conforming uses in accordance with the provisions of this Ordinance.
  - F. Authorize the operation of a similar use in accordance with the provisions of this Ordinance.
  - G. Make interpretations of the Ordinance upon request of the Zoning Inspector or upon appeal from a property owner in the city, on the meaning and application of any provisions of this Ordinance and the Zoning Map, including but not limited to determining the exact district boundaries, the intended meaning of permitted and conditional uses as listed in each district, or other similar interpretations.
  - H. Such other official actions authorized by this Ordinance or Ohio Revised Code that are not herein specified.
  - I. It should be noted that the intent of this Ordinance is for all questions of interpretation and enforcement to first be presented to the Zoning Inspector and then presented to the Board of Zoning Appeals only upon an appeal from the decision of the Zoning Inspector. The action by the Board of Zoning Appeals is a final administrative action and may only be appealed pursuant to Section 2506 of the Ohio Revised Code. City Council shall not have the authority to overrule the decisions of the Zoning Inspector or Board of Zoning Appeals.

#### 1111.04 HISTORIC REVIEW BOARD

##### a) Purpose

The City of Circleville contains areas with unique and valuable historic, architectural and cultural resources which are directly linked to the cultural, social and economic well-being of the community. The Historic Review Board seeks to protect and preserve these resources, encourage infill development that respects the existing historic architectural environment, stabilize and enhance property values, and promote economically viable reuse of historic structures. The Board also exists to promote and enhance revitalization of and reinvestment in the City, foster civic beauty, and maintain and enhance the distinctive character of historic buildings and areas, and safeguard the heritage of the City by preserving districts and landmarks which reflect elements of its history, architecture, archeology, engineering or culture.

##### b) District Boundaries, Designating Additional Districts or Landmarks

A Historic District shall consist of areas designated by City Council under separate ordinance and shall include the properties listed on the U.S. Department of the Interior National Registry List (See Appendix A). Designated properties may consist of districts with multiple properties, or single landmarks. The process of researching potential new districts and landmarks is defined in Section 1113.13.

##### c) Establishment and Organization

The Historic Review Board shall consist of seven (7) members appointed by City Council for terms of three (3) years, which shall be staggered. In appointing members, the Council shall make a good faith effort to appoint at least two (2) persons with professional training or demonstrated interest and expertise in the fields of historic preservation, architecture, planning, history, or related discipline, to the extent such professionals are available in the community. To facilitate such appointments, up to three (3) members may be people who live outside the City. Consideration shall be given to appointing a resident of, or owner of property located within, an area constituting a Historic District. At least one (1) member of the Board may also be a member of the Planning and Zoning Commission.

##### d) Duties of the Historic Review Board shall include:

1. Evaluating applications for Certificates of Appropriateness.
2. Conducting a continuing survey of cultural resources according to guidelines provided by the State Historic Preservation Office ("SHPO").
3. Providing an advisory role to other city departments and officials regarding the protection of local resources.
4. Researching potential new properties and landmarks to be considered historically significant as defined in 1113.13.

5. Providing historic preservation continuing education for Circleville residents, while providing Historic Review Board members opportunities for continuing education in their roles.
- e) In the event of a vacancy, the Council shall appoint a new board member within sixty (60) days of the position becoming vacant, to fill the unexpired term of the resigning board member.
- f) Meetings.
1. The Historic Review Board shall hold at least four (4) meetings per year.
  2. At least ten (10) days prior to the date of hearings, notices of applications for Certificates of Appropriateness shall be published in a newspaper of general circulation in the city. Applicants shall be notified of upcoming meetings with consideration of their application, and shall be advised of the decisions of the Historic Review Board.
  3. The Historic Review Board shall conduct its business in a public setting, held in compliance with applicable Ohio open meetings laws. Public notice of meetings shall be provided as required by Ohio open meetings laws.
  4. The Historic Review Board shall maintain a record of its decisions, special projects, qualifications of its members, etc., which shall be made available to the public upon request and in compliance with applicable Ohio open meetings and public records laws. The vote of each member upon each application or question shall be shown. If a member is absent or fails to vote, the minutes shall indicate this fact.
- g) Quorum.
- Four (4) members of the Historic Review Board shall constitute a quorum. The concurring vote of at least four (4) members shall be necessary to pass any motion or action.
- h) Procedures and Design Guidelines.
1. The Board shall elect a Chair and Vice Chair at its first meeting of each calendar year. A clerk shall be provided by Council.
  2. The Historic District Review Board shall adopt and publish its own other procedural rules and design guidelines concerning appropriateness of types of alterations. These written materials shall be made available to the public.
  3. A board member shall be removed for non-performance of duty or misconduct in office as defined in Ohio Revised Code Section 3.07. Prior to removing a member, City Council shall give the accused at least ten (10) days notice prior to holding a hearing regarding the charges. The member shall be given the opportunity to respond to the charges during this hearing.



## Chapter 1113 – Applications

### 1113.01 APPLICATIONS

- a) All requests for approval under this Ordinance, including but not limited to a Zoning Permit, Certificate of Zoning Compliance, Zoning Amendment (unless initiated by Council or the Planning and Zoning Commission), Variance and Conditional Use, shall begin with the submittal of an application by the property owner or his/her agent.
- b) Any time frames associated with the review of application shall not commence until such time an application is considered to be complete. A completed application shall include all required submissions and payment in full of all required fees, as determined by separate Ordinance adopted and periodically updated from time to time by City Council.
- c) The Zoning Inspector\* is responsible for determining whether an application is complete and ready to be processed. If an application is deemed incomplete, the Zoning Inspector shall notify an applicant by providing a list of deficiencies. The applicant will have thirty (30) days from this notification to revise its application or it will be considered null and void. Fees are non-refundable.

\*The Chair of the Board of Zoning Appeals shall determine the completeness of applications for an appeal to the Zoning Inspector's decision.

- d) If the application requires review by the Planning Commission or Board of Zoning Appeals, the Zoning Inspector will forward the completed application onto the appropriate board for review.
- e) All decisions on applications, unless otherwise noted elsewhere in this Ordinance, shall be made within thirty days of a completed application or within thirty (30) days of the closing of any required public hearings for said application.
- f) If a variance or conditional use application is approved by the Board of Zoning Appeals, the applicant must obtain a Zoning Permit within six months of the Board's action and prior to establishing the use or commencing construction.
  - 1. If a Zoning Permit is not obtained within six (6) months of the Board's approval, the Board's action shall be null and void.
  - 2. If a Zoning Permit is not obtained prior to establishing the use or commencing construction in accordance with the Board's action, then such use or construction shall be considered a violation and punishable in accordance with this Ordinance.

### 1113.02 ZONING PERMIT APPLICATION

- a) A Zoning Permit is required prior to:
  - 1. Constructing, creating, moving, expanding, converting or structurally altering any portion of a building or structure. This includes temporary structures.
  - 2. Changing the use of a building, structure or land.
  - 3. Occupying or using vacant land.
  - 4. Demolishing of any building or structure.

- b) The failure to obtain a permit required in 1113.02(a) shall be considered a violation of this Ordinance and shall be punishable in accordance with Section 1115.01 of this Ordinance.
- c) An application for a Zoning Permit shall be submitted to the Zoning Inspector and shall include the following information.
  - 1. Name, address, phone number and email address of the applicant.
  - 2. Address and parcel number of the property subject to the application.
  - 3. Legal description of the property as recorded in the Pickaway County Recorder's office. If there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant supply a survey of the property by a Registered Surveyor in the State of Ohio.
  - 4. Existing and proposed uses.
  - 5. The Zoning District in which the property is located.
  - 6. Plans and/or drawings to approximate scale showing:
    - A. The dimensions of the property.
    - B. The dimension of existing and proposed buildings or structures on the property.
    - C. The distance between the property lines and the existing and proposed structures.
    - D. The dimensions and number of existing and proposed parking spaces.
    - E. Any existing or proposed signage. (not required for single unit dwelling permit)
    - F. Any existing or proposed landscaping (not required for single unit dwelling permit)
    - G. The height of existing and proposed buildings.
    - H. Number of proposed dwelling units, if applicable.
    - I. Any other information as determined by the Zoning Inspector to determine compliance with this Ordinance.
  - 7. A copy of either:
    - A. A letter from the Public Utilities department indicating central water and sewer services are available and there is capacity to service the existing and proposed uses; or
    - B. If central water and sanitary sewer services are not available to the property, a letter from the Pickaway County Health Department approving the proposed method of water and sanitary sewer disposal.
  - 8. A copy of any required approvals including but not limited to:
    - A. Any necessary variances in accordance with Section 1113.05.
    - B. Any required conditional use permits in accordance with Section 1113.06.
    - C. Any required site plan design review in accordance with Section 1113.08
    - D. Any required Certificate of Appropriateness in accordance with Section 1113.10.
  - 9. The Zoning Inspector may increase or decrease the requirements for the application, when the scope and scale of the proposed request warrants.
- d) If a Zoning Permit application is approved:
  - 1. The Zoning Inspector shall mark the permit as approved, sign, date and return the approved Permit to the applicant.

2. The applicant shall Commence Work within one (1) year of the date of Zoning Permit approval. Otherwise, the permit shall be considered null and void and a new Zoning Permit must be obtained.
  3. The work described in the permit must be completed and a Certificate of Zoning Compliance must be issued within two (2) years of the date of Zoning Permit approval. Any work described in the permit that has not been completed within this two (2)-year period shall not proceed unless and until a new Zoning Permit is obtained.
- e) If a Zoning Permit application is denied:
1. The Zoning Inspector shall mark the permit as denied, sign and date it, provide a list of reasons for denying the permit, and return it to the applicant.
  2. The applicant shall have thirty (30) days from the date that the Zoning Inspector denied the Permit to file an Appeal application to the Board of Zoning Appeals.
- f) The Zoning Inspector may declare an approved Zoning Permit void, if he/she determines that the permit was issued based upon incorrect information or false statement(s) being provided by the applicant.
1. In such cases, the Zoning Inspector shall send a certified letter to the applicant at the address on the application indicating the reasons the Zoning Permit is being revoked.
  2. The letter shall state that all Work shall cease, and no additional Work shall continue unless and until a new permit is obtained.
  3. The applicant shall have thirty (30) days from the date of this letter to appeal the Zoning Inspector's decision to the Board of Zoning Appeals.

1113.03 CERTIFICATE OF ZONING COMPLIANCE

- a) An applicant shall apply for a Certificate of Zoning Compliance after completing the Work described in an approved Zoning Permit. The application shall be submitted to the Zoning Inspector.
- b) No building or structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the Zoning Inspector. The Certificate of Zoning Compliance shall state:
  1. The proposed use is in conformance with the approved Zoning Permit; and
  2. The buildings and/or structures have been constructed in accordance with the approved Zoning Permit.
  3. If there are any non-conforming uses or structures located on said property, the Certificate of Zoning Compliance shall note the existing non-conforming status on the Certificate of Zoning Compliance.
- c) A Certificate of Zoning Compliance shall not be issued until a signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems have been installed and approved by said authority.
- d) The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance.
- e) The Zoning Inspector is authorized to issue a Temporary Certificate of Zoning Compliance that does not exceed six (6) months provided:
  1. All completed work at the time the Temporary Certificate of Zoning compliance is issued complies with the approved Zoning Permit.
  2. The reason the unfinished work has not been completed is due to circumstances beyond the applicant's control, such as the weather.

3. That the temporary occupancy of a building does not impair public health and safety.

1113.04

ZONING AMENDMENTS

- a) Map and Text Amendments to this Ordinance may be initiated by any of the following methods:
  1. By referral of a proposed amendment to the Planning and Zoning Commission from City Council.
  2. By adoption of a motion of the Planning and Zoning Commission
  3. By the filing of a completed application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed to be affected by the amendment.

Each year the City of Circleville Planning and Zoning Commission shall adopt a Zoning Amendment Schedule, which shall include monthly submittal deadlines for zoning amendment applications. The submittal deadline immediately following the submission of a completed application, as determined by the Zoning Inspector, shall be considered the “submittal date” of said application.

- b) Three copies and one electronic copy of an application must be submitted for an application for a Zoning Amendment. This application shall include the following information:
  1. A completed application on a form provided by the City that includes the name, address, phone number and email address of the applicant.
  2. A description of the proposed changes:
    - A. Proposed text changes, which shall include the existing text of the section(s) of the code to be revised. Proposed additions shall be shown in **bold text** and proposed deletions shown with a ~~strikethrough~~.
    - B. Proposed map changes shall include:
      - i. A legal description, prepared, signed and stamped by a surveyor registered in the State of Ohio, of the Tract to be rezoned including all parcels within said Tract. An existing legal description on file with the Pickaway County Recorder’s office may be utilized to meet this requirement.
      - ii. A map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels.
      - iii. A list of property owners(s) within 200 feet, contiguous to, and directly across the street from the Tract to be rezoned and their addresses as they appear on the Pickaway County Auditor’s current tax list. This requirement may be waived when the Tract proposed to be rezoned includes more than ten (10) parcels.
  3. Present use and district.
  4. Proposed use and district.
  5. Traffic study – when the uses permitted within a proposed zoning amendment can generate one hundred (100) or more a.m. or p.m. peak hour trips and/or more than five (500) hundred or more daily vehicle trips or when otherwise required by the Service Director. A traffic impact study, when required shall be signed and sealed by a Professional Engineer. Vehicle

Trips per day shall be determined by utilizing the ITE Trip Generator Book (8<sup>th</sup> Edition or most current edition).

6. A narrative statement explaining how the proposed changes will impact the adjacent neighborhood and the City as a whole.
7. Any other information required by the Zoning Inspector to determine compliance with and enforcement of this Ordinance.
8. The applicable fee, as determined by separate Ordinance adopted and periodically updated from time to time by City Council.

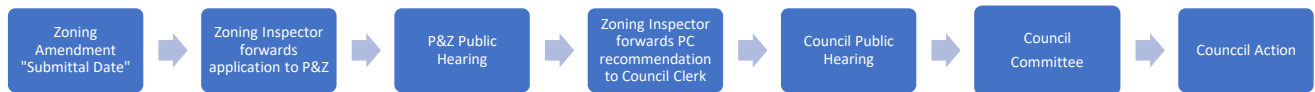
c) Application/Review Process:

1. Within forty-five (45) days of the Submittal Date, as defined in Section 1113.04(a), the Planning and Zoning Commission shall schedule and hold a public hearing on the proposed amendment and give notice in accordance with Section 1113.04(d). At the conclusion of the public hearing, the Planning and Zoning Commission shall render a recommendation that the proposed amendment be approved, approved with modifications, or disapproved.
2. Within sixty (60) days of the date of the Planning and Zoning Commission's decision, City Council shall schedule and hold a public hearing and give notice of such hearing in accordance with Section 1113.04(d). At this public hearing, Council may refer the zoning amendment to a Committee of Council for review.
3. If the rezoning is referred to a Committee of Council, said Committee shall hold a meeting and make a recommendation on the proposed rezoning within fourteen (14) days of the referral date from Council. A Committee's failure to comply with this fourteen (14) day requirement serves as a waiver of its review and recommendation.
4. Within forty-five (45) days of the public hearing by City Council, the Council shall either approve, approve with modifications, or disapprove the Planning and Zoning Commission's recommendation. A concurring vote of at least three-fourths (3/4) of the Council membership shall be required to pass any zoning amendment which differs from the recommendation of the Planning and Zoning Commission. In no case, shall a zoning amendment be considered as having been adopted unless it receives at least a majority vote of the members of Council.

### Time Line

For general guidance only – Time line not to be used for regulatory purposes – Code language in this document controls





Note: These time frames could be altered if an applicant requests a hearing to be continued.

d) Public Hearing Notices.

Prior to each of the required public hearings by the Planning and Zoning Commission and Council, the City shall give at least thirty (30) day notice of the time and location of the hearings in a newspaper of general circulation in the City. If the proposed amendment includes less than ten (10) parcels, as listed on the tax duplicate, the City shall provide written notice of each hearing, by first class mail, at least twenty (20) days before the date of each hearing to the owners of property within two hundred (200) feet, contiguous to and directly across the street of the parcels subject to the application. These notices shall be mailed to the addresses of such property as listed on the Pickaway County Auditor's current tax list. Failure of delivery of these notices shall not invalidate any proposed amendment.

e) Application Display Period.

The application for a proposed amendment shall be on display during the thirty-day notice period for both the Planning and Zoning Commission and Council public hearings. The application will include any text, maps, plans or reports submitted to the Planning and Zoning Commission or Council. The public may examine these materials in the Director of Public Service's office during normal business hours during this Application Display Period.

f) Criteria.

The Planning and Zoning Commission and Council shall give consideration to the following criteria in making a recommendation and taking action on a proposed zoning amendment:

1. The compatibility of the proposed zoning amendment with the zoning of and recommendations of the adopted land use plan for surrounding area.
2. The potential impact of the uses in the proposed districts in terms on traffic, storm water, utility demand, noise, and other impacts.
3. The impacts of the proposed districts and uses on the health, safety and welfare of the community.

g) Effective Date.

Such amendment adopted by City Council shall become effective thirty (30) days after the date of Ordinance, subject to the provisions for referendum specified in the Ohio Revised Code. If the amendment as passed by City Council pertains to a change in the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and date of adoption.

- a) An application for a Area Variance or an Appeal shall include the following information:
1. Three copies and one digital pdf copy of an application form provided by the City that includes:
    - A. The name, address, phone number and email address of the applicant and property owner(s).
    - B. The address and parcel number of the property in question.
    - C. The Section of the Code from which the variance or appeal is being sought.
    - D. The existing zoning district in which this property is located.
  2. A copy of the denied zoning permit.
  3. If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as his/her agent for the application.
  4. A legal description of the subject property.
  5. A plot plan drawn to an appropriate scale, as determined by the Zoning Inspector, showing at a minimum the following information:
    - A. The entire lot(s) subject to the application request.
    - B. All adjacent rights-of-way.
    - C. The location and height of all existing and proposed buildings and structures with a notation of the setbacks of each from all property lines and rights-of-way.
    - D. All parking lots, driveway or other vehicular use areas.
    - E. All existing and proposed signs.
    - F. Proposed landscaping.
    - G. Distances to any residential district if less than 1,000 feet from the lot(s).
    - H. The existing use of the lots on all adjacent lands.
    - I. Building elevations, if determined necessary by the Zoning Inspector to better understand potential impacts on adjacent properties.
  6. The names and addresses of all property owners within one hundred (100) feet of the subject property as appearing on the Pickaway County Auditor's current tax list.
  7. A narrative statement explaining the following:
    - A. A description of the existing and proposed uses
    - B. For an appeal:
      - i. The reasons the applicant believes he/she has been aggrieved by the Zoning Inspector's or other applicable reviewing authority's decision.
      - ii. The reasons why the appeal is justified.
    - C. For an area variance:
      - i. The nature and magnitude of the variance request.
      - ii. A response as to how the proposed variance satisfies each of the decision criteria listed in Section 1113.05(e).
  8. The applicable fee, as determined by separate Ordinance adopted and periodically updated from time to time by City Council.
- b) Public Hearing.

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after the receipt of a completed application for a variance or appeal. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further public notice shall be required. Any person with interest may appear and testify at the public hearing in person or by attorney.

- c) Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the City at least ten (10) days before the day of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance.
- d) At least ten (10) days before the public hearing, notices shall also be sent by first class mail to all parties of interest. Parties of interest shall include at a minimum, owners of property within 100 feet from, contiguous to, and directly across the street from the property being considered. The notice shall contain the same information as required for the notice published in the newspaper as specified in Section 1113.05(c). Failure of delivery of such notice shall not invalidate the findings of the Board Burden of Proof.

The burden of proof is on the applicant to present reliable, probative, and substantial testimony and evidence that supports the request for a variance.

- e) Criteria.

Variances shall be granted for an area variance only upon a determination that a practical difficulty exists with respect to the property in question that would render the strict application of this Ordinance unreasonable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration. The Board of Zoning Appeals shall consider and weigh the following factors to determine if a practical difficulty exists:

1. Whether special conditions or circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the district.
2. Whether the property in question will yield a reasonable return or whether there is any beneficial use of the property without the variance.
3. Whether the variance is substantial and is the minimum necessary to make possible a reasonable use of the land or structures.
4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer substantial detriment as a result of the variance.
5. Whether the variance would adversely affect the delivery of governmental services.
6. Whether the property owner purchased the property with knowledge of the zoning restrictions.
7. Whether special conditions or circumstances exist as the result of actions of the owner.
8. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.



9. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
10. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same zoning district.
11. Whether the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

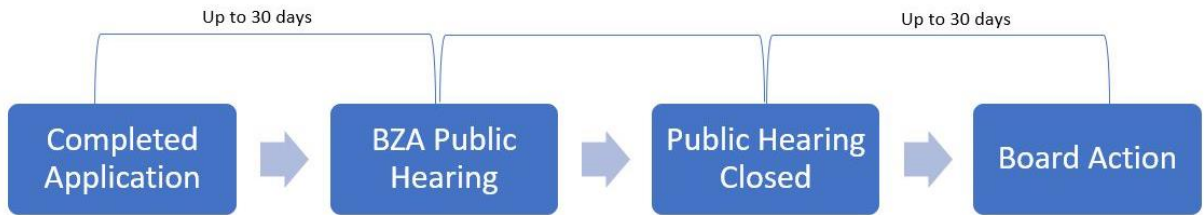
These practical difficulty standards do not apply to Use Variances. Use Variances are discouraged. A change in use must follow the zoning amendment process. If a Use Variance is requested, the applicant shall demonstrate that a Unnecessary Hardship applies to the property.

- f) Within thirty (30) days of the conclusion of the public hearing, the Board of Zoning Appeals shall either: approve, approve with supplementary conditions, or disapprove the request for appeal or variance. The Board of Zoning Appeals must provide consideration of the requirements listed in Section 1113.05(e) when making its decision. Its decision shall be accompanied by written findings of fact specifying the reasons for the decision reached. If the application is approved or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justifying the granting of the variance that will make possible a reasonable use of the land, building, or structure.
- g) The Board of Zoning Appeals may prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the Variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the Variance has been granted, shall be deemed a punishable violation under this Zoning Code.
- h) If the request for Appeal or Variance is denied, the reasons for such denial shall be noted in writing. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant by first class mail. If the request for the appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas. Upon approval of the variance by the Board, the Zoning Inspector shall issue to the applicant a Zoning Permit which states all terms of the variance as granted including any conditions imposed by the Board of Zoning Appeals.
- i) Reapplication.

No application for a variance that is substantially similar to an application that has been disapproved or granted, wholly or in part, shall be submitted for one year after the decision of the Board of Zoning Appeals. The Zoning Inspector shall consider factors such as the nature or size of a proposal, changes in the development of traffic pattern in the area, or newly discovered evidence pertinent to a decision on a previous application.

#### Time Line

For general guidance only – Time line not to be used for regulatory purposes – Code language in this document controls



### 1113.06 CONDITIONAL USES

- a) Under some circumstances, a proposed use may be appropriate but have a more intense effect on the surrounding area than the permitted uses for the district that needs to be controlled through a review process to ensure compatibility. In these circumstances, these more intense uses are listed as conditional uses within the applicable District. The Board of Zoning Appeals may allow such a use to be established as a conditional use where these circumstances exist and where the proposed use will be consistent with the purpose and intent of this Ordinance.
- b) Application – Any person who owns or has interest in a lot subject to the conditional use requirements, may file an application to use such property for conditional uses provided for by this Ordinance in the District in which the property is situated. Three (3) copies and one (1) digital pdf of an application for a conditional use shall be filed with the Zoning Inspector, who shall forward a copy to the members of the Board of Zoning Appeals. The application shall contain the following information:
  1. All of the information required for a Zoning Permit pursuant to Section 1113.02(c)
  2. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic circulation, open spaces, landscaping, trash disposal and service areas, utilities, signs, setbacks, and other information that the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
  3. A narrative statement evaluating the effects on the adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.
  4. The names and addresses of all property owners within 100 feet, contiguous to and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
  5. The applicable review fee as listed in the separate fee schedule adopted by City Council.
  6. Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the deliberations of the Board of Zoning Appeals.

- c) The Board of Zoning Appeals may issue a conditional use permit, if it makes specific findings of fact directly based on the particular evidence presented to it that supports the conclusions that such use at the proposed location meets all of the following requirements:
  - 1. It will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of the area.
  - 2. It will not be hazardous to and seeks to maintain the health, safety, and welfare of the existing neighborhood and the community in its entirety.
  - 3. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, trash disposal, water and sewers, and schools, or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
  - 4. It will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
  - 5. It will have vehicular approaches to the property that do not interfere with traffic circulation on the surrounding public streets or roads.
  - 6. It complies with any other requirements or standards that are cited under the specific zoning district regulations of this Ordinance.
- d) In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Ordinance.
- e) The Board of Zoning Appeals shall hold a public hearing within thirty (30) days from the receipt of the completed application specified in Sections 1113.01(c) and 1113.06(b). The requirements for public notice and notification of parties of interest shall be the same as for appeals and/or variance as specified in Section 1113.05(c) of this Ordinance.
- f) Within thirty (30) days after the public hearing required in this Section, the Board of Zoning Appeals shall either approve, approve with conditions or disapprove the application as presented.
  - 1. If the application is approved with supplementary conditions, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a Zoning Permit listing the specific conditions listed by the Board of Zoning Appeals for approval.
  - 2. If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code.
  - 3. If no action is taken by the Board of Zoning Appeals within the timeframe specified in this Section, the application shall be considered approved.
- g) The approval of the Zoning Permit issued in accordance with Section 1113.02 shall be null and void if such use is not carried out within one (1) year of the approval date. The Board of Zoning Appeals may grant an extension of a Conditional Use Zoning Permit for an additional six (6) months. The Board may also revoke the Zoning Permit, if it finds, based upon written evidence by any City resident or official, a violation this Ordinance and/or written terms and conditions upon which approval was based. The Board of Zoning Appeals shall conduct a public hearing in accordance with the procedures set forth in this section prior to revoking a Conditional Use Process.

a) Pre-Application Meeting

The developer is required to meet with the Zoning Inspector, Service Director, and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section, the criteria and standards within it, and to familiarize the developer with the PMD process, other provisions of this Ordinance, and the drainage, water and sewer location and capacities to service this site.

No statement or action taken by any City official in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure of formal approval required by the City statutes or rules. Ohio's Open Meeting Laws (Section 121.22 of the Ohio Revised Code) is required to be observed at all meetings involving a quorum of members of the Zoning Commission or Council.

b) Formal Application with Preliminary Development Plan. After the conclusion of the pre-application meeting, an owner may file a formal application with a preliminary development plan. The preliminary development plan must cover the entire contiguous ownership of the applicant unless the applicant specifically stated in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application must include the following information and material:

1. Name, address, email address and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Present and proposed zoning districts
5. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
6. A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Pickaway County Auditor's current tax list.
7. Proposed schedule for the development of the site.
8. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
9. A traffic impact study prepared, signed and sealed by a Professional Engineer. Vehicle trips shall be determined utilizing the ITE Trip Generator Book (8<sup>th</sup> Edition or most current publication).
10. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
  - A. Selected uses by area or specific building location, allocation of land use by type as measured in acres,

- adjacent existing land use, right-of-way, and relationship to adjacent land use
  - B. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
  - C. Open space and the intended uses therein and acreage provided
  - D. Residential land uses summarized by lot size, dwelling type and density.
  - E. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
  - F. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  - G. Surface drainage and areas subject to flooding.
  - H. Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.
11. The applicant may request a divergence from the development and open space standards and mix of use regulations in Chapter 1137. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Chapter 1137.

c) Review Procedure

Five (5) copies and one (1) pdf electronic copy of the application and Preliminary Development Plan shall be submitted to the Zoning Inspector prior to the Submittal Due Date as established by the Planning and Zoning Commission in January each year. Failure to submit a complete application shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Planning and Zoning Commission and other parties as deemed appropriate for review and comment.

The application for a Preliminary Development Plan shall follow the same procedures as 1113.04(c). The notice for the Planning and Zoning Commission and Council Public Hearings shall be the same as those listed in Section 1113.04(d).

d) Criteria for Recommendations by Planning and Zoning Commission

Before making its recommendation as required in Section 1113.04(c)(1), the Planning and Zoning Commission shall determine whether the facts submitted with the application and presented at the public hearing establish that:

1. The Preliminary Development Plan is consistent with the purpose, criteria, intent, and standards of the PMD and Zoning Ordinance as whole.
2. The proposed design standards in Preliminary Development Plan accomplish the goals of the PMD.
3. The proposed development will be adequately served by essential public facilities and services including, without limitation, roads, sidewalks, and multi-use paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
4. That any proposed divergences provide the benefits, improved arrangement and design of the proposed development and justify the deviation from the development standards or requirements of the Zoning Resolution.
5. The proposed development can be made accessible through existing city roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the uses in the Development Plan without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the city.
6. Such other considerations which promote public health, safety, and welfare and may be deemed relevant by the Planning and Zoning Commission.

e) Action by Council

Upon receipt of the recommendation by the Commission, the City Council shall hold a public hearing following the procedures in Section 1113.04(c) of this Ordinance. The notice requirements in Section 1113.04(d) shall be followed. Upon approval of the preliminary development plan by Council, the zoning on the property shall be changed to PMD, subject to the referendum requirements of the Ohio Revised Code.

f) Final Development Plan

Within twelve (12) months from the date of City Council approval of a preliminary development plan, the developer shall submit five (5) five copies of the Final Development Plan to the Zoning Inspector. The Final Development Plan shall be in general conformance with the Preliminary Development Plan.

g) Contents of Final Development Plan application

An application for approval of the Final Development Plan shall be filed with the Zoning Inspector prior to the Submittal Due Date established by the Planning and Zoning Commission in January each year, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan

shall be prepared by a registered architect or engineer and, at a minimum, shall contain the following information and materials:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required in the Preliminary Development Plan, including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent properties
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
5. Site plan, showing building(s), various functional use areas, circulation and their relationship.
6. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
7. Plans for landscaping
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

h) Action by the Planning and Zoning Commission

Within thirty (30) days from submittal date of a completed application for a Final Development Plan, the Planning and Zoning Commission shall approve, deny or approve with modification, the Final Development Plan. The meeting where this application is considered and acted upon is subject to the Open Meeting Laws of the Ohio Revised Code Section 121.22. However, this meeting shall not be considered a public hearing. Approval shall mean that the Commission finds that the plan is in conformance with the approved Development Plan, and that not significant constraints exist to construction of the project as planned.

The Planning and Zoning Commission's action on a proposed Final Development Plan under this Section shall not be considered to be an amendment to the City Zoning Ordinance but is subject to appeal pursuant to Chapter 2506 of the Ohio Revised Code.

i) Platting

The creation of new parcels under the PMD shall be subject to the City's subdivision requirements. To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Preliminary Development Plan for the rezoning to the PMD. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.

j) Amendment of an Approved Final Development Plan

After a Final Development Plan has been approved by the Planning and Zoning Commission, no changes to said plan shall be permitted without approval as set forth below:

1. Minor Amendments: Within 30 days of the submittal of a written application specifically detailing the changes requested along with a revised Final Development Plan, the Zoning Inspector may administratively approve a minor amendment. Minor amendments are limited to the following:
  - a. An encroachment of five (5) feet or less into a Side or Rear Setback as shown on the approved development plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector.
  - b. An increase of no more than five (5) percent of the lot coverage provided on the approved development plan.
  - c. An increase of no more than five (5) feet in the maximum building height as shown on the approved development plan.
  - d. Like for like adjustments to the specified building materials.
2. Major Amendments:
  - a. All other proposed amendments, other than the four (4) identified in (j)(1) above, shall be considered major amendments and must be approved through the original preliminary plan process identified in 1113.07(b) through (e).

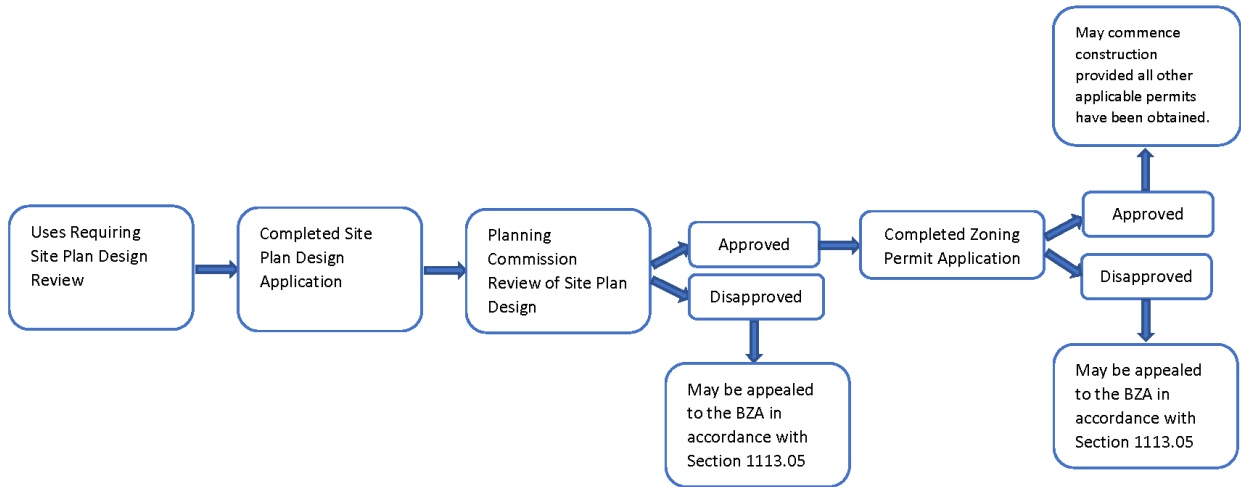
1113.08 SITE PLAN DESIGN

- a) In accordance with Section 1133, some permitted uses require a Site Plan Design to be approved by the Planning and Zoning Commission prior to the construction of any new buildings/structures or rehabilitating any existing buildings/structures on a property. The site plan design shall include a vicinity map showing the property location in relationship to the surrounding area.
1. A site plan illustrating the following:
    - A. Proposed Uses.
    - B. The dimensions of the property lines, parcel dimensions, private roads and adjacent public rights-of-way.
    - C. The current zoning of the parcel and surrounding properties.
    - D. The location of proposed buildings and structures.



- E. The location of any natural features, such as rivers, streams, ravines, existing tree rows, etc. located on the property.
  - F. Setbacks and the distance between buildings.
  - G. A landscape plan.
  - H. A parking and loading plan.
  - I. A grading plan.
  - J. A preliminary utility plan.
- b) Procedures – The Site Plan Design shall be reviewed and approved by the Planning and Zoning Commission prior to the Zoning Inspector issuing a Zoning Permit for any structure on said property. The Planning and Zoning Commission may request a recommendation from a Technical Review Committee consisting of the Zoning Inspector, City Service Director, City Safety Director and a representative from the fire department. In such cases, the Technical Review Committee shall provide its recommendation at least ten (10) days prior to the Planning and Zoning Commission meeting. The Planning and Zoning Commission shall hold a meeting to review and act upon the Site Plan Design within thirty days of receiving a completed application. The meeting where the Site Plan Design is reviewed and acted upon is subject to the Open Meeting Laws in ORC Section 121.22. However, this Planning and Zoning Commission meeting shall not be considered a public hearing. The decision of the Planning and Zoning Commission is an administrative action and may be appealed to the Board of Zoning Appeals. The Planning and Zoning Commission shall approve Site Plan Designs when they comply with the following criteria:
  - 1. The buildings' locations comply with the required setbacks and all applicable general development standards.
  - 2. Adequate water and sewer are being provided to the site.
  - 3. Adequate ingress and egress are provided.
  - 4. Adequate vehicular connectivity between parcels is being provided.
  - 5. Pedestrian facilities are being provided in accordance with these regulations.
- c) Development Standards – The Site Design Standards for the applicable zoning district along with the applicable general development standards shall apply to the Site Plan Design review. If the applicant is unable to comply with one or more of the Site Design Standards or applicable general development standards, he/she may apply for a variance, in accordance with Section 1113.05, prior to applying for a Site Plan Design. If the application requires a Conditional Use, said Conditional Use application must be approved by the Board of Zoning Appeals in accordance with Section 1113.06 prior to applying for a Site Design Plan.
- d) Amendment of an Approved Site Plan. After a Site Plan Design has been approved, no changes to said plan shall be permitted without receiving approval of a revised Site Plan Design by the Planning and Zoning Commission. The procedures in 1113.08(b) shall be followed.

- e) If a site plan design is approved by the Planning and Zoning Commission, the applicant shall then apply for a Zoning Permit prior to commencing construction.



#### 1113.09 SIMILAR USE

- a) From time to time, new uses of land may arise that may have not been contemplated at the time of code adoption. This section sets forth a process to identify the location for such uses. Since this action is an interpretation matter, the Board of Zoning Appeals shall be the body designated for determining similar uses.
- b) Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals. Three (3) copies and one (1) digital pdf copy of a completed application shall be submitted. The following information shall be included in the application:
1. Name, address, phone number and email of the applicant; and
  2. The address and parcel number of the address in question; and
  3. If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as his/her agent for the application; and
  4. Legal description of the property; and
  5. The existing zoning district in which the property is located; and
  6. A vicinity map drawn at a suitable scale, showing property lines, streets, existing zoning of surrounding parcels adjacent to and within 200 feet; and
  7. The names and addresses of all property owners within one hundred (100) feet of the subject property as appearing on the Pickaway County Auditor's current tax list.
  8. A site plan that shows:
    - i. The lot(s) where the use is proposed; and
    - ii. Any existing and/or proposed buildings; and
    - iii. The square footage of the proposed use.

9. A narrative explaining:
  - i. A description of the proposed use; and
  - ii. The reasons the applicant believes the proposed use complies with Section 1113.09(c)(1-3).
- c) Within sixty (60) days of the submittal of a completed application, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:
  1. Such use is not listed as a permitted or conditional use in another zoning district.
  2. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
  3. Such use creates no increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
- d) The notice requirements in Section 1113.05(c) for variances and appeals shall be utilized for a public hearing on a similar use.
- e) If the Board takes action to approve a use as a “similar use” in particular District, then said use will become a permitted or conditional use within said District, as determined by the Board, until such time the City Council changes the zoning through the amendment process identified in 1113.04.

#### 1113.10 CERTIFICATE OF APPROPRIATENESS

- a) Certificate of Appropriateness.
  1. No environmental change shall be made to any landmark or property within the Historic Overlay District until a Certificate of Appropriateness has been properly applied for and issued by the Historic Review Board.
  2. No zoning or building permit shall be issued by the Zoning Inspector for any construction, reconstruction, alteration or demolition of any structure in the Historic Overlay District unless a Certificate of Appropriateness has been authorized by the Historic Review Board.
  3. When an application for a COA requires other approvals such as a variance or conditional use granted by the Board of Zoning Appeals, the Historic Review Board must hear and decide on the COA prior to the Board of Zoning Appeals hearing and deciding these other applications.
- b) Application.
 

Three (3) copies and one (1) pdf electronic copy of an application for a Certificate of Appropriateness (COA) shall be submitted.
- c) In addition to the application, three (3) copies and one (1) pdf electronic copy of a site plan that contains the following information must be submitted with the application:

1. Proposed Uses.
  2. The dimensions of the property lines, parcel dimensions, private roads and adjacent public rights-of-way.
  3. Building locations.
  4. Rendering of building elevations.
  5. Proposed building materials.
  6. Proposed colors of building, shutters, trim, and other architectural features.
  7. Proposed awnings and/or canopies including proposed colors.
  8. Proposed landscaping.
  9. Proposed lighting.
  10. Proposed fencing.
  11. The layout and design of parking.
  12. Proposed signs.
  13. Proposed mechanical and trash enclosures, including materials and colors.
- d) Upon receipt of a completed application, as defined in Sections 1113.01(c) and 1113.10(c), the City shall forward said application to the Chair of the Historic Review Board who shall schedule a Board meeting to consider said application. Said meeting shall be no less than (10) and no more than thirty (30) days from the date that a completed application was submitted.
- e) The Historic Review Board shall review a COA application at the meeting scheduled in accordance with Section 1113.10(d) above. The Historic Review Board shall take action to approve, approve with modification or disapprove the COA application at said meeting, unless a continuation is requested by the applicant.
- f) In determining if a Certificate of Appropriateness should be granted, the Historic Review Board may conduct a public hearing and/or solicit the input from consultants that shall be approved and retained by the City.
- g) If the Historic Review Board fails to hear and take action within thirty (30) days of the submission of a completed application, as defined in Sections 1113.01(c) and 1113.10(c), the Certificate of Appropriateness shall be considered to be issued as a matter of law.
- h) The Historic Review Board shall determine whether the proposed environmental change will be appropriate to the preservation of the environmental, architectural or historic character of a district, pursuant to the criteria specified in Section (i) below.
- i) Criteria of Evaluation of Application for Certification of Appropriateness
- In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Historic Review Board shall consider the following:
1. The proposed construction or alteration of a building, sign or other site improvement complies with the regulations in Section 1141.03.
  2. The visual and functional components of the building, sign or other site improvements shall be generally compatible with the historic context of its surroundings. Such components shall include, but not limited to, building height, massing and proportion, roof shape and slope, landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.

3. The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
4. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
5. Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed by SHPO, a preservation professional or consultant, architectural historian, or historical architect to have acquired significance, then this significance shall be recognized and respected.
6. Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the applicant shall provide evidence that new material matches the material being replaced in composition, design, texture and other visual qualities as closely as possible. Repair or placement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.
7. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.
8. Contemporary design for alterations and additions to existing properties shall be acceptable when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.
9. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.
10. All new structures and all reconstruction or remodeling of existing structures within a district shall utilize natural traditional exterior materials such as brick, stone, masonry and/or wood. The use of contemporary materials, such as aluminum and other similar metals, fiberglass and plastic for exterior surfaces on architecturally significant structures shall be prohibited unless the applicant provides evidence that the use of such materials would contribute to the enhancement of existing traditional materials and the overall integrity and longevity of the structure.
11. All signs within a district shall conform to the material standards of the Historical Overlay District, be of such size, shape, scale, style and design that reflects the era during which the structure was built.

j) Demolition of Structures.

1. Whenever a landmark, or structure within a district, is proposed to be demolished, partially demolished or removed, the application for the Certificate of Appropriateness shall clearly set forth the intent to demolish and shall include all additional information and material as

specified in Section 1113.10(j)(3) below. In addition, the application shall include written consent for the City to inspect the interior and exterior of the building by an architect and structural engineer. Any application shall be refused for filing if it does not contain all information and material as required. In such a case, the application will be returned to the applicant, with such refusal so indicated.

2. The Historic Review Board shall schedule a public hearing on the application to occur not more than ninety (90) days from the date the application is filed with the Building Department. Notwithstanding the provisions of Section 1113.10(g) of this Article, the Board shall take action within ninety (90) days from the date of the conclusion of the public hearing. [Reference: Demolition Delay Ordinance 09-55-2019]
3. The Historic Review Board shall grant the demolition and issue a Certificate of Appropriateness when the applicant submits suitable evidence so as to clearly demonstrate that one (1) or more of the following conditions exists:
  - a. The structure contains no features of architectural and historic significance contributing to the character of the landmark or Historic Overlay District. Such analysis shall be prepared by a person with documented professional experience in the field of historic preservation.
  - b. The reasonable economic use for the structure as it exists or as it might be preserved is of such minimal level that there exists no feasible and prudent alternative to demolition. The applicant shall provide a detailed economic analysis documenting the future use and likely revenue stream for each alternative. Such analysis shall include costs associated with preservation and renovation of the existing structure, identification, removal and disposal of hazardous material, stabilization and repair of adjacent structures and common walls and the preparation and development of the site after demolition. The economic analysis shall be prepared with the documented input of a registered architect having documented extensive experience in the preservation of historic structures.
  - c. Deterioration has progressed to the point where it is not economically feasible to preserve the structure consistent with the standards of Section g) above. In such cases, the application shall include an evaluation of existing structure by the local building authority. In addition, the applicant shall provide a detailed evaluation of structural conditions and a cost analysis of preservation and renovation prepared by a registered architect having documented extensive experience in the preservation of historic structures.
4. The application shall include the proposed measures to be taken to stabilize and repair as needed adjacent structures and common walls, along with associated costs. In addition, the applicant shall provide evidence of an enforceable order or agreement with the adjacent property owner documenting respective responsibilities pursuant to the above issues.
5. The application shall include a detailed description and explanation of the short and long term disposition and use of the site after demolition, including a redevelopment plan for the site that contains, at a minimum, the information specified in Section 1113.02, in conformance with the Zoning District in which the property is located. A separate Certificate of Appropriateness shall be required for any environmental change on the cleared site after demolition. If the subject lot is vacant more than eighteen (18) months from the date of the

Certificate of Appropriateness authorizing the demolition, the site shall be considered undeveloped. Any subsequent use shall be subject to the requirements of the zoning district in which the subject lot is located.

6. The Board may approve, deny or approve with supplemental conditions any application for demolition. In taking action, the Board shall clearly cite the reasons for its decision and certify how the applicant has met or not met the provisions of this Section and this Article.
7. The provisions of this section h) is in addition to, and does not supersede Demolition Delay Ordinance 09-55-2019.

k) Maintenance.

1. Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any landmark or property within a Historic Overlay District, provided such work involves no change in material, design, texture, or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any structure, or component of a structure, which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition. In making such a decision, the Zoning Inspector may seek the input and recommendation of the local building authority.
2. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration. No owner of a building or structure listed as a Landmark or contributing structure to a Historic District shall by willful action or willful neglect fail to provide sufficient and reasonable care, maintenance and upkeep to ensure the perpetuation of such building and to prevent its destruction by deterioration.

l) Appeals.

Any applicant aggrieved by any decision of the Board may appeal the decision to the Board of Zoning Appeals. Such appeal shall be taken by the filing of a written statement, setting forth the grounds for the appeal, with the Board of Zoning Appeals and the Zoning Inspector within thirty (30) days of the decision of the Historic Review Board. No building permit or other permit required for the activity applied for shall be issued during the thirty (30) day period or while an appeal is pending. The Board of Zoning Appeals may reverse, remand, or modify such a decision if such action is passed or approved by not less than three-fourths (3/4) of the membership of the Board of Zoning Appeals. In any case, the Board of Zoning Appeals shall specify in writing its findings and the reasons for its decision.

m) Penalty.

Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Historic District in violation of Section 1113.10, shall be deemed to be guilty of a violation of this Code, subject to the penalties specified in Section 1115.01 of this Ordinance.

1113.11 NON-CONFORMING USE PERMIT/EXTENSION/EXPANSION

- a) Application: Three (3) copies and one (1) pdf digital copy shall be submitted. Said application shall include:
1. The name, address, phone number and email of the applicant; and
  2. The address and parcel number of the parcel in question; and
  3. If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as his/her agent for the application; and
  4. A legal description of the property; and
  5. The names and addresses of all property owners within one-hundred feet (100) of the subject property as appearing on the Pickaway County Auditor's current tax list. This requirement may be waived by the Zoning Inspector for any non-conforming use permit issued by the Zoning Inspector in accordance with 1113.11(b)(1)(A) below. In no case shall this requirement be waived for an application that requires Board of Zoning Appeals approval.
  6. A narrative that includes the following information:
    - A. Evidence of the date the original uses went into operation- photos and other and supporting documentation can be utilized as evidence; and
    - B. The date that the regulations creating the non-conformity went into effect; and
    - C. If any portion of a building is vacant, evidence of the length of time it has been vacant; and
    - D. For the expansion of an existing non-conforming use: evidence of the proposed square footage versus the existing square footage.
    - E. For the substitution of a non-conforming use: both the existing and proposed use.
- b) Process:
1. Non-Conforming Use Permit
    - A. Within thirty (30) days of receiving a completed application, the Zoning Inspector may issue a non-conforming use permit, if he/she finds sufficient evidence has been provided proving the use existed prior to the effective date of the regulations making such use non-conforming.
    - B. The Zoning Inspector, at his/her discretion, may require the Board of Zoning Appeals to review and take action on the application. In such cases, the Zoning Inspector shall make this referral within thirty (30) days of receiving the completed application and the Board of Zoning Appeals shall hold a hearing within thirty (30) days of receiving the application from the Zoning Inspector.
    - C. The public hearing notices shall be the same as the notice requirements for variances outlined in Section 1113.05(c) and (d).
      - i. Within thirty days of the conclusion of the public hearing, the Board of Zoning Appeals shall take action on said application. The Board shall approve said permit if it determines that sufficient evidence has been submitted illustrating that the proposed use existed prior to the effective date of the regulations making it non-conforming.
  2. Non-Conforming Use Expansion (see 1117(f)(3)) and/or Substitution (see 1117(f)(2))



- A. Within thirty days of receiving a completed application, the Board of Zoning Appeals shall hold a public hearing and take action on said application.
- B. The public hearing notices shall be the same as the notice requirements for variances outlined in Sections 1113.05(c) and (d).
- C. Within thirty days of the conclusion of the public hearing, the Board of Zoning Appeals shall take action on said application. The criteria for approval is as follows:
  - i. Expansion:
    - a. No other expansions of the non-conforming use have been issued in the past.
    - b. The expansion does not exceed twenty-five (25) percent of the ground floor area of the existing building; and
    - c. The expansion does not result in a violation in any other provision of this Ordinance; and
    - d. The expansion does not occupy ground space required for meeting the yard setbacks or other requirements of this Ordinance; and
    - e. Such extension is necessary and incidental to the existing properties and does not involve other structures or buildings.
  - ii. Substitution:
    - a. The Board finds that the proposed use is equally appropriate or more appropriate to the existing zoning district than the existing non-conforming use.
    - b. If such substitution is granted, the Board may require appropriate conditions and safeguards to ensure the proposed use blends with the character of the surrounding area.

#### 1113.12 MURAL PERMIT

- a) Application: Two copies and one digital copy (PDF) of the Mural Application shall be submitted to the Zoning Inspector along with the required Mural Permit
- b) In addition to the application, two copies and one digital copy (PDF) of the following items must be submitted:
  - 1. A sketch, drawn to scale, of the proposed mural showing its relationship to the size and height of the building to which it will be adhered.
  - 2. A property owner's affidavit giving permission to the applicant to adhere the proposed mural to his/her building.
  - 3. An affidavit ensuring that the mural shall remain in place for a minimum of five (5) years.
  - 4. A copy of an approved Certificate of Appropriateness, if the property is located within the Historic Overlay District.
  - 5. A copy of the approved Development Plan that includes the proposed mural, if the property is located within the PMD.
- c) The Zoning Inspector shall review the application and issue said Mural Permit, if the proposed mural meets all of the requirements in Section 1145.07(p) and shall deny the permit if it does not meet one or more the requirements in Section 1145.07(p). If the Zoning Inspector denies the Mural Permit, said denial may be appealed to the Board of Zoning Appeals in accordance with Section 1113.05.

1113.13 DESIGNATION OF PROPERTY OR LANDMARK AS HISTORICALLY SIGNIFICANT

- a) The Historic Review Board may from time to time review and propose additional properties, areas or landmarks to be included within the Historic Overlay District. The final determination shall be made by Council after obtaining a recommendation from the Historic Review Board and holding a public hearing. Prior to that hearing, at least one (1) notification shall be given in a newspaper of general circulation in the City at least thirty (30) days prior to the hearing.
- b) Criteria. The property, area, or landmark must comply with at least three of the following criteria in order for the Historic Review Board to recommend and City Council to determine that a property is historically significant and should be added to the Historic Overlay District.
  - 1. It has a direct association with a significant historic event or with the historical development of the city, state, or nation;
  - 2. It has direct and substantial association with a recognized person or group of persons who had influence on society;
  - 3. It embodies the distinctive visible characteristics of an architectural style or type;
  - 4. It is a significant example of the work of a recognized architect or master builder;
  - 5. It contains elements of design, engineering, materials, craftsmanship, or artistic merit which represent a significant innovation or technical achievement;
  - 6. It represents an established and familiar feature of the neighborhood, community, or contemporary city, due to its prominent location or physical characteristics;
  - 7. It promotes understanding and appreciation of the urban environment by means of distinctive physical characteristics or rarity;
  - 8. It represents an era of culture or heritage that allows an understanding of how the site was used by past generations;
  - 9. It is a physical attribute of a neighborhood, community, or the city that is a source of pride or cultural understanding; or
  - 10. It is associated with social movements, institutions, or patterns of growth or change that contributed significantly to the culture of the neighborhood, community, city, state, or nation.

## *Chapter 1115 – Fees and Violations*

### 1115.01 VIOLATIONS

a) Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance.

Failure to obtain a Zoning Permit or Certificate of Zoning Compliance, prior to the commencement of the construction, alteration, or use for which the permit or certificate is required, shall be a violation of this Zoning Code and punishable under Section 1115.01 of this Ordinance.

b) Construction and Use to be as Provided in Application, Plans, Permits, Certificates.

Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction shall be permitted. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable under this Zoning Code.

c) Complaints Regarding Violations.

Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and as provided by this Zoning Ordinance.

d) Entry and Inspection of Property.

The Zoning Inspector, or designee, is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the Owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the City Police Department when the matter is an immediate hazard to life safety. Nothing in this section limits the ability of the Zoning Inspector to work with the Law Director to secure a valid search warrant prior to entry.

e) Zoning Permit Revocation.

The Zoning Inspector may issue a revocation notice to revoke a permit which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

f) Land Use Infractions (Ticket).

1. Any Land Use Infraction (ticket) may be issued by a Law Enforcement Officer for any violations of Sections 1145.07 (Signs), 1145.11 (Food Trucks/Trailers/Food Push Carts/Food Tents; 1145.04(a)(10) and 1145.04(a)(13) Recreational Vehicles. Nothing in this section precludes the enforcement of any violation in any other manner provided by law as long as no ticket is issued under this section.
2. Per ORC Section 765.02(B), the ticket issued for such violations shall contain two parts. The first part of the ticket shall identify the land use infraction charged and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains.
3. If the offender is present, the officer also shall record on the ticket the name of the offender in a space provided on the ticket for identification of the offender, and then shall serve the first part of the ticket in accordance with the service requirements of ORC Section 765. If the infraction is not corrected within the time period specified on the first part of the ticket, the law enforcement officer shall serve the second part of the ticket.
4. The first violation shall include a fine of \$150. Each additional violation of the same code section within a period of one calendar year shall follow this escalating scale:
  - A. Second Offense - \$250
  - B. Third Offense - \$500
  - C. Fourth Offense - \$750
  - D. Each additional offense - \$1,000

This section shall be administered utilizing the process outlined in Chapter 357 of the Circleville Codified Ordinances.

g) Enforcement of Violation. Any Violation of any Section of this Code may also be enforced utilizing the following procedures:

1. Stop Work Order

Subsequent to his or her determination that work is being done contrary to this Zoning Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Ordinance.

2. Whenever the Zoning Inspector or his or her agent determines that there is a violation of any provision of this Zoning Ordinance, a written Notice of Violation shall be issued to the Responsible Party as defined in Chapter 1105. Such notice shall:
  - i. Be in writing.
  - ii. Identify the violation.
  - iii. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Ordinance being violated.
  - iv. Include a statement that the violation shall be corrected within thirty (30) days of the Date of Service of the Notice of Violation (which shall be referred to as the Violation Remedy Date). Failure to correct the violation prior to the Violation Remedy Date shall be cause for a citation to be issued by the Zoning Inspector in accordance with Section 1115.01(g)(5).
3. The Date of Service for the Notice of Violation shall be one of the following:
  - i. The date the Notice of Violation is personally delivered to the Responsible Party; or
  - ii. The date the Notice of Violation is sent by certified mail in the US Post Office to the both the property owner address as listed on the Pickaway County Auditor's Tax List and the address for the property; or
  - iii. The date the Notice of Violation is posted in a conspicuous place on the property in violation.

Service of this notice shall be deemed complete on the date the Zoning Inspector certifies that the Notice of Violation was delivered via one of the above methods.

4. Re-Inspection and Citation Notification.

Within three (3) business days after the Violation Remedy Date, the Zoning Inspector shall re-inspect the property in question. If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected by the Responsible Party a Citation shall be issued in accordance with Section 1115.01(g)(5). Such Citation Notification shall:

- i. Be served by one of the methods specified in Section 1115.01(g)(3)
  - ii. Be in writing.
  - iii. Identify the violation. State the amount of the penalty being assessed in accordance with 1115.01(g)(5).
  - iv. Shall direct the Responsible Party to remedy the violations within seven (7) days of the date of the Citation Notification and failure to do so will result in additional citations in escalating amounts specified in 1115.01(g)(5). The Citation Notification shall also inform the Responsible Party that a civil complaint or criminal summons may be filed if the code violation is not remedied in accordance with the Circleville Codified Ordinances.
5. Citations for Violation. The following citations shall apply to all violations, except for Land Use Infractions.

The first citation for a violation shall constitute a third degree misdemeanor and the penalty shall be \$500.

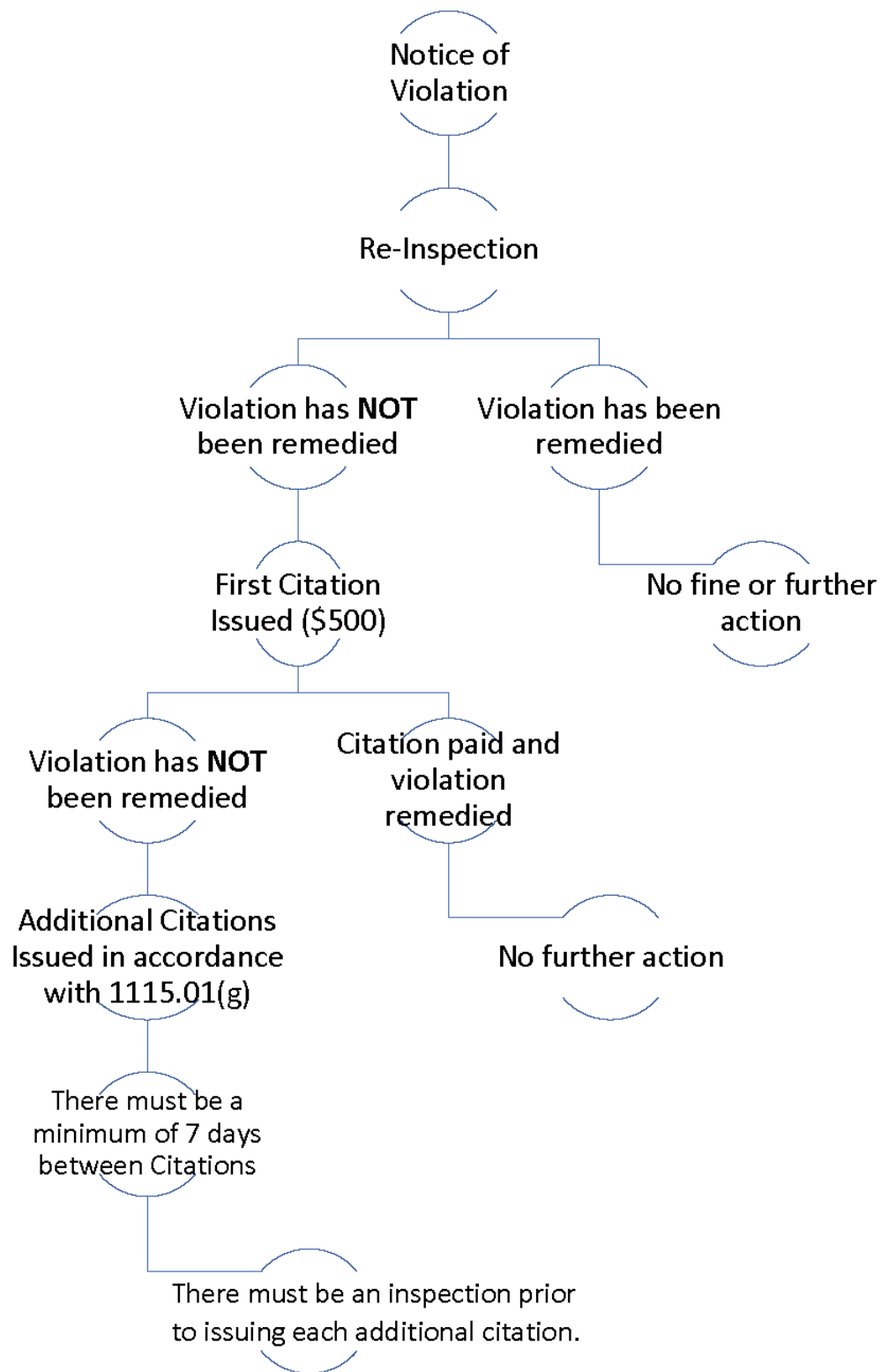
The second citation for a violation shall constitute a second degree misdemeanor and the penalty shall be \$750.

Each additional citation shall constitute a first degree misdemeanor and the penalty shall be \$1,000.

There shall be a minimum of seven (7) days between the dates of each citation for the same violation. The Zoning Inspector shall be required to re-inspect the property and document the continued violation prior to issuing additional citations for the same violation. Each additional Citation Notification shall follow the requirements of Section 1115.01(g)(2).

All unpaid citations shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of the debt.

This are is intentionally left blank



Flowchart is for general guidance only - Code language in this document controls

h) Additional Remedies.

Nothing in this Zoning Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law, including but not limited to civil procedures. In the event of a violation of any provision or requirement of this Zoning Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Law Director, or the Owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

1115.02 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, certificates of zoning compliance, appeals and other matters pertaining to this Zoning Ordinance. The schedule of fees shall be posted in the City Office and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.



## *Chapter 1117 – Existing Non-Conforming Uses, Buildings, Structures & Land*

a) Intent.

The purpose of this Chapter is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Ordinance or amendments thereto.

b) Grace Period.

Any property purchased or acquired prior to the adoption of this Zoning Ordinance, (a) upon which existed a Nonconforming Use at the time the property was purchased or acquired and (b) upon which the work of the changing or remodeling or construction of such Nonconforming Use(s) has been legally commenced prior to at the time of adoption of this Zoning Ordinance, may in accordance with the provisions of this Zoning Ordinance be used for the Nonconforming Use for which such changing, remodeling, or construction was undertaken provided that the work of changing, remodeling, or construction that was in process prior to or at the time of adoption of this Zoning Ordinance is completed within two (2) years of the date of adoption of this Zoning Ordinance or amendment thereto making said use Nonconforming.

c) Conformance Required.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other Structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

d) Non-Conforming Lots.

1. In any district in which one-unit dwellings are permitted; a single, one-unit dwelling may be erected on any legally existing non-conforming lot. This provision shall apply even though such lot may not comply with the minimum lot area, lot width, or lot frontage requirements that are generally applicable in the district. All other requirements, including yard setback requirements, of the applicable district shall apply. Variances from the required yard setback standards shall be obtained only through action of the Board of Zoning Appeals.
2. Notwithstanding Section 1117(d)(1), if there are two or more lots with contiguous frontage under the same ownership at the effective date of this Ordinance or amendment thereto that either separately or together, do not comply with the applicable lot area, lot frontage or lot width requirements, then such lots shall be considered one Nonconforming Lot of Record for purposes of this Zoning Ordinance. Only a single, one-unit dwelling will be permitted on said lots. All other requirements, including yard setback requirements, of the applicable zoning district shall apply. Variances from the required yard setback standards shall be obtained only through action of the Board of Zoning Appeals. All such Lots shall be required to be replatted, resurveyed or otherwise combined prior for a Zoning Permit for the intended use being

issued. No portion of said Lots shall be used or sold in a manner which diminishes compliance with the lot width, Frontage or Lot Area requirements established by this Zoning Ordinance.

3. No Nonconforming Lot of Record shall be divided in a manner that would further reduce the lot frontage, lot width or lot area below the requirements stated in this Zoning Ordinance.

e) Non-Conforming Structures

1. Continuation of any structure which is devoted to a use which is permitted in the Zoning District in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this Chapter.
2. Any such structure described in Chapter 1117 may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase or extend the degree of existing non-conformity of all or any part of such structures.
3. No structure described in Section Chapter 1117 shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning District in which it will be located after being moved. A Zoning Permit shall be required prior to moving such Structure.
4. A nonconforming mobile home, as defined in this Ordinance, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home.

f) Non-Conforming Uses

1. Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restrictions of Chapter 1117.
2. A nonconforming use may be changed to another nonconforming use only by the Board of Zoning Appeals, provided that the Board of Zoning Appeals finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Ordinance, which if violated are punishable under Section 1115.01 of this Zoning Ordinance.
3. Except as hereinafter specifically provided, or except when otherwise required by law, a nonconforming use shall not be enlarged, extended, reconstructed or structurally altered.
  - A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of this Zoning Ordinance or at the time of its amendment making a use nonconforming. The Board of Zoning Appeals shall not authorize any enlargement which would result in a violation of the provisions of this Zoning Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard setback or other requirements of this Zoning Ordinance.
  - B. The Board of Zoning Appeals may authorize the expansion of nonconforming uses not involving a structure or building at the effective date of this Zoning Ordinance or the

date of any amendments making such use nonconforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.

- C. No Structure devoted in whole or in part to a nonconforming use shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no non-conforming use of land shall be relocated, in whole or in part, to any other location on the same or any other lot unless such Use shall thereafter conform to the regulations of the district in which it is located after being moved. A Zoning Permit shall be required prior to moving such structure.
- D. Repair and maintenance any structure devoted to a nonconforming use may be maintained, repaired, or structurally altered, provided, however, that no such maintenance, repair, or structural alteration shall either create any additional non-conforming use or any non-conformity or increase or extend the size, amount, quantity or degree of the existing nonconforming use.
- E. A nonconforming use shall be considered abandoned when there is intent either express or implied to cease the nonconforming use for a period of one (1) year. Abandonment may be evidenced by an overt act or failure to act indicating that the Owner has not been using the nonconforming use for said time period. A nonconforming use shall be considered replaced when either one of the following conditions exists:
  - i. When a nonconforming use has been changed to a permitted use in the applicable district.
  - ii. When it has been changed to another nonconforming use under permit from the Board of Zoning Appeals.

A Nonconforming Use which has been replaced or abandoned shall not thereafter be returned to a Nonconforming Use.

g) Damage or Destruction

In the event that any non-conforming building or other nonconforming structures or any building or structure devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of damage, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the District in which it is located. If such damage is fifty (50) percent or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted, if (1) a Zoning Permit is obtained, (2) restoration actually commences within one year after the date of such partial destruction, and (3) the restoration is substantially completed within 2 ½ years from when the Zoning Permit is issued.

---

## *Title V*

### *Zoning Districts*

---

#### *Chapter 1121 – Zoning District Regulations*

##### 1121.01            ZONING DISTRICTS ESTABLISHED

The districts identified in Chapter 1123 of this Ordinance are hereby adopted and established to regulate the uses and land within the City of Circleville, Ohio. The specific purpose of each District shall serve as the regulatory basis for existing and future development within each District.

##### 1121.02            REGULATIONS OF USES AND DEVELOPMENT OF LAND OR STRUCTURES

###### IDENTIFIED USES

a) Identified Uses.

Each District includes a list of permitted, conditional uses and accessory uses. Listed uses are to be defined by their customary name or identification, except as specifically defined or limited by this Zoning Ordinance. If a use is not listed as permitted, conditional, or accessory in a District, it shall be considered prohibited in said District.

b) Permitted Uses. A use listed as permitted is allowed by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Permit from the Zoning Inspector.

c) Conditional Uses. A use listed as conditional may be allowed when designated as such in a District, provided it complies with the criteria in Section 1113.06(c) and a Conditional Use Permit is issued by the Board of Zoning Appeals in accordance with Section 1113.06(f) of this Ordinance.

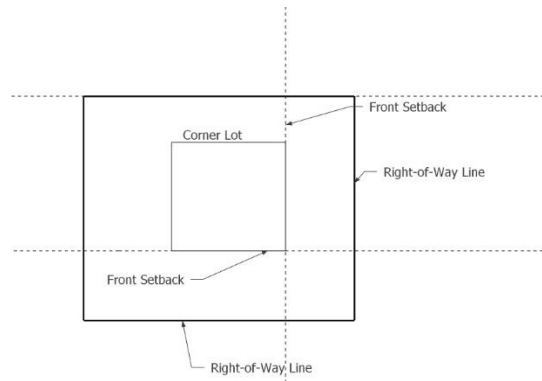
d) Accessory Uses. A use listed as accessory may be allowed when designated as such in a District, provided it is subordinate to the permitted use, complies with the requirements of Section 1145.08 and is issued a Zoning Permit from the Zoning Inspector.

- e) Development Standards. Within in each District, there is a set of Development Standards to which each use and structure must comply. These standards include, but are not limited to, height, lot width, lot size and front, side and rear setbacks. In addition to the Development Standards in each District, all uses must comply with any applicable General Development Standards listed in Chapter 1145 of this Ordinance.
  
- f) Rules of Measurement
  - 1. Lot Width:
    - A. Lot width shall be measured along the minimum setback line for the applicable District. For lots on curved streets or at the terminus of a cul-de-sac, lot width shall be determined by the cord length of the lot at the minimum building setback line.
    - B. No building, structure, or improvement shall be constructed or altered nor any new lot established, unless such lot fronts on a publicly dedicated and improved street or thoroughfare within the City.
  - 2. Height. The height of a Building or Structure shall be measured from the existing grade to the highest point of the Building or Structure.
    - A. Chimneys, elevators, steeples, towers, cupolas and other similar structures or architectural features that blend with the building may extend above the maximum building height requirements up to twenty five percent (25%) of the height of the Building or Structure. Ag – use 100% of height of structure.
    - B. Mechanical equipment and ventilation systems may extend above the maximum height of a building in accordance with Chapter 1135 – Commercial and Employment Based District – Site Design Standards Table.
  - 3. Setbacks.
    - A. Front Setbacks

Front setbacks shall be measured from the right-of-way line of the street to the nearest building See Exhibit 2. All front setbacks shall be landscaped by lawns, shrubbery, trees or other plantings and maintained in a neat and orderly state.
    - B. Corner Lots

Lots fronting on more than one street shall provide the required front setback on both streets. Setbacks for one (1) of the other two (2) sides of a corner lot shall serve as the rear setback. See Exhibit 1

## Exhibit 1



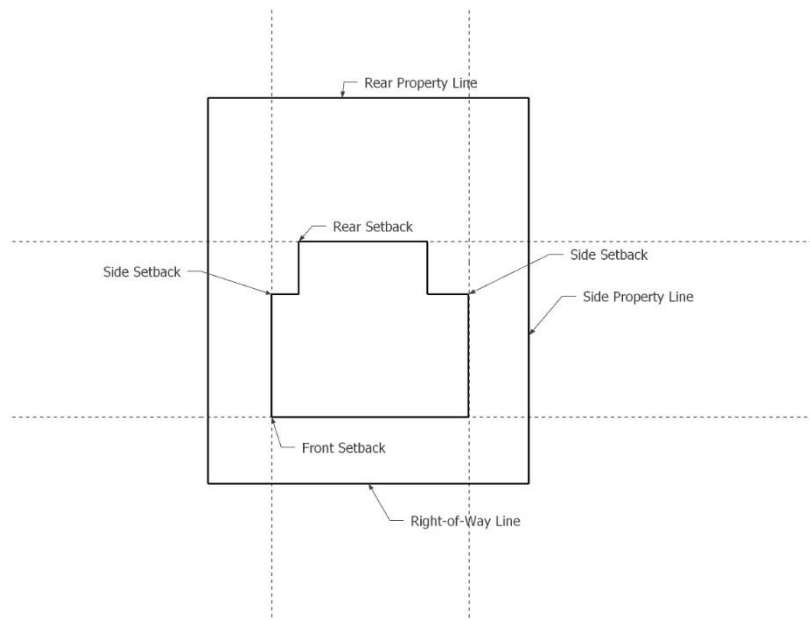
### C. Side Setbacks

Side setbacks shall be measured from the side lot line to the nearest point of the outside wall of the building. See Exhibit 2.

### D. Rear Setbacks

Rear setbacks shall be measured from the rear lot line to the nearest point of the outside wall of the building. Where a lot abuts a service street or alley, the rear setback shall be measured from the right-of-way line of the existing street or alley. See Exhibit 2.

## Exhibit 2:



4. Encroachments into Setbacks.

A. Open Porches

- i. In residential districts, an open, uncovered porch or paved patio may project into required setbacks as follows:

Front setback – No more than six (6) feet into said setback

Side setback – No more than three (3) feet into said setback

Rear setback – No more than ten (10) feet into said setback

B. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front, side or rear setback up to three (3) feet, provided a minimum of two (2) feet is maintained to any adjoining lot line.

5. Interpretation of Zoning District Boundaries.

Unless otherwise noted on the Official Zoning Map by designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerline of streets, alleys, streams and/or railroads as they existed as of the effective date of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. Any disputes of the Zoning Inspector's interpretation may be appealed to the Board of Zoning Appeals. The final interpretation authority shall rest with the Board of Zoning Appeals.

1121.03 ZONING MAP

The districts established in this Ordinance are shown on the Official Zoning Map for the City of Circleville, which together with all notations, references, data, district boundaries, and other explanatory information are hereby adopted as part of this Ordinance. The Official Zoning Map shall be identified with the signatures from the Mayor, President of Council, and the Clerk/Treasurer and shall be on file in the City Administrative Offices.

1121.04 ZONING OF NEWLY ANNEXED AREAS

Unless otherwise authorized and determined by an annexation agreement, any area that is annexed into the city shall be zoned AG on the effective date of the annexation. Within three (3) months of the annexation effective date, the Planning and Zoning Commission shall present a zoning plan for the annexed area to City Council. City Council shall hold a public hearing on the zoning plan as recommended by the Planning and Zoning Commission. Notice of this hearing shall comply with the requirements of Section 1113.04(d). Within thirty (30) days of the hearing, Council shall either approve, approve with modifications, or disapprove the Planning and Zoning Commission's recommended zoning plan. If Council's action differs from the Planning

and Zoning Commission's recommendation, it must be passed by  $\frac{3}{4}$  vote of the membership of Council. If no zoning plan is approved, the AG zoning classification shall remain in effect.

Nothing in this Section shall prevent an owner of property within the annexed area from applying for a zoning amendment in accordance with Section 1113.04, after the effective date of the annexation.



## *Chapter 1123 – Zoning Districts Established*

### 1123.01 ZONING DISTRICTS ESTABLISHED

The following Zoning Districts are hereby established in the City of Circleville:

#### Residential Districts:

AG	Agriculture
LDR	Low Density Single Unit Residential
MDR	Medium Density Single Unit Residential
HSU	Historic Single Unit Residential
TUR	Twin Unit Residential
MUR	Multi-Unit Residential
MHR	Manufactured Home Residential

#### Business and Employment Districts:

NB	Neighborhood Business
GB	General Business
DB	Downtown Business
CS	Community Service District
IE	Innovation and Employment District

#### Planned Districts:

PMD	Planned Mixed Use District
PUD	Planned Unit Development

#### Overlay Districts:

FP	Floodplain Overlay District
HOD	Historic Overlay District
HRD	Hunting Reserve Overlay District

## *Chapter 1125 – Residential Districts – Purposes*

### 1125.01            PURPOSES

The purpose of each Residential Zoning District is outlined in this Section. The design standards in Chapter 1129 and the Permitted and Conditional Uses in Chapter 1127 have been crafted to align each district with its intended purpose. Additionally, the Planning and Zoning Commission and Council shall utilize these purpose sections when making decisions regarding the rezoning of land.

### 1125.02            AGRICULTURE (AG)

The purpose of the Agriculture District (AG) is to protect and sustain agriculture within the appropriate areas of the City to help promote and maintain the economic viability of the agricultural industry. This District is typically found at the outskirts of the city where there are larger tracts of land. This District serves as a transition area between the more rural unincorporated townships and the developed areas of the city.

### 1125.03            LOW DENSITY RESIDENTIAL (LDR)

The purpose of the Low Density Residential (LDR) District is to create, maintain and promote neighborhoods with larger size lots where single unit homes are the primary land use. This district allows for some compatible nonresidential uses such as schools and parks, provided such uses maintain the overall residential character of the neighborhood. This district is typically found at the periphery of the city and is served by central water and sewer services.

### 1125.04            MEDIUM DENSITY RESIDENTIAL (MDR)

The purpose of the Medium Density Residential District is to create neighborhoods that provide a transition between the peripheral low density residential areas and the denser, centrally located neighborhoods. This district is typically served by central water and sewer services.

### 1125.05            HISTORIC SINGLE UNIT RESIDENTIAL (HSU)

The purpose of the Historic Single Family Residential District is to encourage the reinvestment into existing single family residential neighborhoods to maintain the traditional development patterns established with formation of the City. It is further the purpose of this District to protect and enhance the existing housing stock. These areas are typically denser and in close proximity to the downtown area where residents can walk to nearby commercial service areas. This District is typically served by central water and sewer services.

It is also recognized that the original development patterns found in this District previously included a broader mix of uses. It is the intent of this District is to allow limited commercial and office uses where existing structures support such uses and when found appropriate and compatible through the conditional use permitting process.

### 1125.06            TWIN UNIT RESIDENTIAL (TUR)

The purpose of the Twin Unit Residential District is to compliment single family development by introducing additional housing options. This District includes existing residential neighborhoods that have a mixture of single and twin unit homes intertwined with some existing commercial and office uses. It is the intent of this District to allow limited commercial and office uses where existing structures support such uses and when found appropriate and compatible through the conditional use permitting process. These areas are typically

denser and in close proximity to the downtown area where residents can walk to nearby commercial service areas. This District is typically served by central water and sewer services.

1125.07            MULTI-UNIT RESIDENTIAL (MUR)

The purpose of this District is to allow for larger, denser multi-unit housing developments which include apartment complexes, condominiums, and townhomes. This district allows for a broad spectrum of housing choices including senior housing options to accommodate the City's aging population; workforce housing to serve the employees of industries within and adjacent to the City; and traditional multi-unit development properties with club houses and common areas. This District is typically in areas where the roadway networks, water and sewer have capacity to service increased densities.

1125.08            MANUFACTURED HOME RESIDENTIAL (MHR)

The purpose of this District is to provide residential options and opportunities, especially related to cost, which are unavailable for traditional site-built housing. The MHR District is established to provide a desirable residential environment for manufactured homes with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located in an attractive manner similar to traditional forms of residential development.

## Chapter 1127 – Residential Districts – Permitted and Conditional Uses

**Table 1**  
**Residential Districts**  
**Permitted and Conditional Uses**

Uses*	Districts						
	AG	LDR	MDR	HSU	TUR	MUR	MHR
Dwelling, Single-Unit	P	P	P	P	P	P	P
Dwelling, Two-Unit					P	P	
Dwelling, Multi-Unit						P	
Accessory Structures		A	A	A	A	A	A
Adult Family Home		P	P	P	P	P	P
Adult Group Home						C	
Community or Regional Parks	P	C	C	C	C	C	C
Day Care Centers		C	C	C	C	C	C
Home Day Care Family, Large		C	C	C	C	C	
Home Day Care Family, Small	P	P	P	P	P	P	
Home Occupations, Major		C	C	C	C	C	C
Home Occupations, Minor	A	A	A	A	A	A	A
Manufactured Home Communities							p***
Neighborhood Parks	P	P	P	P	P	P	P
Permanently Sited Manufactured Homes**		P	P	P	P	P	P
Places of Assemblies (Less than 300 seats)	C	P	C	C	C	C	C
Portable Home Storage Units, subject to Section 1145.12(a)		P	P	P	P	P	P
Residential Care Facilities						C	
Residential Facilities, Small	P	P	P	P	P	P	P
Residential Facilities, Large						C	
Residential – Small Office Administrative, Business or Medical,				C	C		
Residential – Small Business Retail				C	C		
Rooming House						C	
Schools		C	C	C	C	C	C
Short-Term Rental	C	C	C	C	C	C	C
Solar Energy Facilities, Ground Mounted	C						
Solar Energy Systems, Roof Mounted, subject to Section 1145.16	A	A	A	A	A	A	A
Tiny House				C	C	C	C

A = Accessory Use

P = Permitted Use

C = Conditional Use – subject to the procedures and standards in Section 1113.06 of this Ordinance

\*See Chapter 1105 for a definition of each use

\*\*Must be on a single lot

\*\*\*Does not require manufactured homes to be permanently sited.

*This page intentionally left blank*

## Chapter 1129 – Residential Districts – Site Design Standards

**Table 2**  
**Residential Districts**  
**Site Design Standards**

All development shall comply with the Site Design Standards for the applicable Zoning District in Table 2 in addition to any applicable general development standards found in Section 1145 of this Ordinance.

Minimum Floor Area (Sq. Ft.)	<b>LDR</b>	<b>MDR</b>
One Story	1800	1200
Two Story	2000	1600

	<b>AG</b>	<b>LDR</b>	<b>MDR</b>	<b>HSU</b>	<b>TUR</b>	<b>MUR</b>	<b>MHR</b>
Minimum Tract Size	N/A	N/A	N/A	N/A	N/A	2 acres	10 acres
Minimum Tract Width	N/A	N/A	N/A	N/A	N/A	60 Ft.	300 Ft.**
Minimum Tract Front Setback						30 Ft.	35 Ft.
Minimum Tract Side Setback	N/A	N/A	N/A	N/A	N/A	25 Ft.	35 Ft.
Minimum Tract Rear Setback	N/A	N/A	N/A	N/A	N/A	40 Ft.	35 Ft.
Minimum Lot Size	5 AC	10,000 Sq. Ft.	7,500 Sq. Ft.	4,000 Sq. Ft.	3,000 Sq. Ft./Unit	N/A	3,000 Sq. Ft.
Minimum Lot Width	200 Ft.*	80 Ft.	65 Ft.	40 Ft.	40 feet - One Unit 65 feet - Two Units	N/A	30 Ft.
Minimum Front Setback	60 Ft.	25 Ft.	25 Ft.	0 Ft.	0Ft.	N/A	35 Ft.
Maximum Front Setback	N/A	N/A	N/A	30 Ft.	30 Ft.	N/A	N/A
Minimum Side Setback	20 Ft.	8 Ft.	6 Ft.	3 Ft.	3 Ft. - One Unit 6 Ft. - Two Units	N/A	5 Ft.
Minimum Rear Setback	50 Ft.	40 Ft.	35 Ft.	30 Ft.	30 Ft.	N/A	10 Ft.
Maximum Building Height	45 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.	45 Ft.	35 Ft.
Maximum Lot Coverage	N/A	35%	35%	45%	45%	60%	40%
Maximum Density	N/A	N/A	N/A	N/A	N/A	10 unit/ gross acre	6 units/ gross acre

\*The Lot Width shall accommodate a driveway. Additional lot width may be required if the City Service Director , ODOT or applicable permitting authority requires additional frontage in order for a driveway to be installed. All lots greater than 10 acres shall have a minimum lot depth to width ratio of 3:1.

\*\*A maximum tract depth to width ratio of 5:1.

## *Chapter 1131 – Business and Employment Based Districts – Purposes*

### 1131.01 PURPOSES

The purpose of each Business and Employment Based Zoning District is outlined in this Section. The design standards in Chapter 1135 and the Permitted and Conditional Uses in Chapter 1133 have been crafted to align each district with its intended purpose. Additionally, the Planning and Zoning Commission and Council shall utilize these purpose sections when making decisions regarding the rezoning of land.

### 1131.02 NEIGHBORHOOD BUSINESS DISTRICT (NB)

The purpose of the NB District is to promote small scaled commercial, and office uses that serve the daily needs of the adjacent and nearby residential areas. Such uses should be within walking distance of existing or proposed residential uses and should be designed to accommodate both vehicular and pedestrian access with proper connections to adjoining neighborhoods.

### 1131.03 GENERAL BUSINESS DISTRICT (GB)

The purpose of the GB District is to accommodate uses that generate a high degree of vehicular traffic. It is the intent of this district to be located along high growth corridors such as US 23 that can accommodate the vehicles needed to support these business types. The design standards for this district include increased setbacks and building heights to accommodate more intense business uses. This District is not appropriate when adjacent to single family residential uses or the downtown business area where this is more of a pedestrian focus.

### 1131.04 Downtown Business District (DB)

The purpose of the DB District is to promote and foster the economic and physical revitalization of downtown Circleville, while recognizing the unique physical characteristics of the area and preserving the historic mixed use, character, and pedestrian focus of the downtown. The design standards for this District have been created to encourage a mix of uses, to support entrepreneurship and start-up businesses, and to encourage investment in and adaptive reuse of existing structures to preserve the existing structures.

### 1131.05 Community Service District (CS)

The purpose of this District is to create a well-planned comprehensive setting for large scale community service uses such as government operations and service facilities, middle, high, technical and post-secondary schools, larger places of assembly, health care related services and other similar institutional uses. This district includes flexible design standards to ensure creativity in design while protecting and enhancing the adjacent neighborhoods. Due to the unique nature of this District, campus like setting of some of the uses and the intensity of some of the utility uses, a site plan will be required to ensure proper layout and integration of uses to the surrounding areas to determine location, setbacks, densities and height of building as well as parking layouts. Therefore, a Site Plan Design review is required in accordance with Section 1113.08 of this Ordinance.

### 1131.06 Innovation and Employment District (IE)

It is the intent of the IE District to provide areas that can broaden the economic development opportunities for the City by creating development standards that will promote innovation and employment opportunities

for the City. This district is also intended to promote advanced manufacturing, research and development opportunities, logistics and other similar businesses that support the supply chains serving existing or evolving industry clusters within the Columbus Metropolitan region. It is further the intent of the IE District to prohibit Dwelling Uses.

#### 1131.07 Planned Mixed Use District (PMD)

The purpose of the Planned Mixed-Use District is to promote the general welfare, encourage the efficient use of land and resources, promote public health and utility services, and encourage innovation in the planning and building of appropriate types of retail, office and commercial development integrated with appropriate housing types. This district encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of land

#### 1131.08 Floodplain Overlay District

The intent of the Flood Plain Overlay District is to regulate the limit and control land uses within the flood plain to reduce hazards and improve public health, safety and welfare. The FP District is an overlay district, meaning the underlying zoning district standards and requirements continue to apply in addition to the requirements of this overlay district.

#### 1131.09 Historic Overlay District (HOD)

The City of Circleville contains areas with unique and valuable historic and architectural resources. The purpose of this District is to protect those existing resources by ensuring that any future rehabilitation or new development blends with the existing architectural styles of the surrounding areas. The rehabilitation of existing structures and any new infill development should also be focused on mixed-use, pedestrian oriented design. Ground floor retail with large windows should be promoted. Residential uses on upper floors should be encouraged to help strengthen and support the vibrancy of the downtown business area.

It is also the intent of this District to protect buildings that are on the National Historic Register but located outside the overlay boundaries depicted on zoning map.

#### 1131.10 Hunting Reserve Overlay District – H-Overlay

The purpose of these regulations is to provide open areas of low population density within the City of Circleville that are conducive to recreational hunting activities. These areas are directly linked to the social, historical and cultural well-being of the community. The purpose of the Hunting Reserve Overlay District is to protect and preserve these assets while providing necessary safeguards to protect and preserve public health and safety. The Hunting Reserve Overlay District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the H-Overlay District regulations and requirements as cited below.



*Chapter 1133 – Business and Employment Based Districts – Permitted and Conditional Uses*

*Table 3*

<b>Uses*</b>	<b>NB</b>	<b>GB</b>	<b>DB</b>	<b>CS</b>	<b>IE</b>
Adult Group Homes				PS	
Advanced Manufacturing					PS
Adult Entertainment Uses in accordance with Section 1145.16		C			
Animal Service Facilities	PS	PS	P		
Automobile Oriented Uses (includes gas stations)		PS			
Bank, with Automobile Oriented Uses		PS			
Automobile Oil Change Facility		PS			
Bank, without Automobile Oriented Uses	PS	PS	P		
Beverage Sales, Alcoholic	PS	PS	P		
Beverage Sales, Micro Brewery	PS	PS	C		
Business, Retail Small (No Automobile Oriented Uses)	PS	PS	P		
Business, Retail Medium	PS	PS			
Business, Retail Large		PS			
Cemetery				PS	
Commercial Recreational Facilities, Small	PS	PS	P	PS	
Commercial Recreational Facilities, Large		PS		PS	
Commercial Recreational, Outdoor		PS		PS	
Communication Facilities and Utility Sub Stations		PS		PS	
Community Facilities				PS	
Data Processing Centers		PS			PS
Contractor Office					P
Day Care Centers	PS	PS	P	PS	
Equipment Repair, Small					PS
Equipment Repair, Large					PS
Flex Office - Warehouse					PS
Flex Office - Laboratory/Research/Development					PS
Flex Retail - Warehouse		PS			
Food Cart	PS	PS	PS	PS	
Food Truck/Trailer	P, subject to standards in Section 1145.11.	P, subject to standards in Section 1145.11.	P, subject to standards in Section 1145.11.	P, subject to standards in Section 1145.11	P, subject to standards in Section 1145.11
<b>Uses*</b>	<b>NB</b>	<b>GB</b>	<b>DB</b>	<b>CS</b>	<b>IE</b>

Funeral Service Facilities	PS	PS	C		
Health Care Facilities		PS		PS	
Hotels and Motels		PS			
Hotels, Boutique	PS	PS	P		
Institutional - Art Galleries, Libraries, and other similar uses	PS	PS	P		
Kennel		C			PS
Logistics					PS
Maker Space, Small	P	P	P		
Maker Space, Large		PS			PS
Manufacturing					C
Nursery School	PS	PS	P		
Offices, Small administration, business, medical or professional	PS	PS	P	PS	PS
Offices, Large administration, business, medical or professional		PS			
Outdoor Service Facilities	C	C	P		C
Park, Neighborhood	PS	PS	P	PS	
Park, Community or Regional		PS		PS	
Personal Services	PS	PS	P	PS	
Places of Assembly, Small	PS	PS	P	PS	
Places of Assembly, Large	PS	PS	P	PS	
Research and Development					PS
Residential Care Facility				PS	
Residential Facility, Large				PS	
Residential Facility, Small				PS	
Residential Facility, Mental Health Services				PS	
Restaurants with Auto Oriented Use		PS			
Restaurants without Auto Oriented Use	PS	PS	P		
School, Primary, Intermediate or Middle	PS	PS	P	PS	
School, High or Technical		PS		PS	
School, Post-Secondary				PS	
Self-Service Storage Facilities					PS
Shooting Range, Indoor		C			C
Short-Term Rentals	PS	PS	P		
Solar Energy Facilities, Ground Mounted					C
Solar Energy Systems, Roof Mounted, subject to Section 1145.16	A	A	A	A	A
Spas and Massage Therapy Facilities		PS	P		
Tattoo and Piercing Facilities	PS	PS	P		PS
Temporary Structure, Construction Trailer Office (subject to Section 1145.12)	PS	PS	P		PA
Truck Travel and Service Centers					C
Vehicular Sales, New and Used Cars		PS			

<b>Uses*</b>	<b>NB</b>	<b>GB</b>	<b>DB</b>	<b>CS</b>	<b>IE</b>
Vehicular Sales, Motorcycles		PS			
Vehicular Sales, Recreational Vehicles		PS			
Vehicular Sales, Equipment		PS			
Wind Energy Conversion Systems	PS			PS	
Municipal Water, Wastewater, Transportation and Other Municipal Service Facilities					PS

A = Accessory

P = Permitted Use

PS = Permitted with Site Plan Design Approval in accordance with Section 1113.08.

C = Conditional– Use – subject to the procedures and standards in Section 1113.06 of this Ordinance

\*See Chapter 1105 for a definition of each use

## Chapter 1135 – Business and Employment Based Districts – Site Design Standards

**Table 4**  
**Commercial and Employment Based Districts**  
**Site Design Standards**

All development shall comply with the Site Design Standards for the applicable Zoning District in Table 4 in addition to any applicable general development standards found in Section 1145 of this Ordinance.

	<b>NB</b>	<b>GB</b>	<b>DB</b>	<b>CS</b>	<b>IE</b>
Minimum Lot Size	None	None	None	Per Approved Plan	None
Minimum Lot Width	None	100 ft.	None	Per Approved Plan	None
Minimum Front Setback	None	40 ft.	None	Per Approved Plan	25 ft.
Maximum Front Setback	40 ft.	None	10 ft.***	Per Approved Plan	None
Minimum Side Setback*	10 ft.**	10 ft.**	None	Per Approved Plan	10 ft.**
Parking In Front of Building	Prohibited	Permitted	Prohibited	Per Approved Plan	Permitted
Minimum Rear Setback*	20 ft.**	20 ft.**	None	Per Approved Plan	20 ft.**
Maximum Building Height	35 ft.****	45 ft.****	60 ft.****	Per Approved Plan	60 ft.****
Maximum Lot Coverage	80%	80%	None	Per Approved Plan	80%
Maximum Density for Multi-Dwelling Units	10 units/acre	N/A	10 units/acre	Per Approved Plan	N/A

\*Parking may encroach a Side and Rear setback provided the parking is no closer than five feet from said lot line.

\*\*When a side or rear lot line abuts an existing residential use or district that permits single unit dwellings, then minimum setback from the residential line shall be 50 feet.

\*\*\*A maximum of fifty percent (50%) of a building's façade may be setback more than ten (10) feet if a public gathering space is located in front of this portion of the building and is approved as a conditional use. In such cases, a wall or fence shall be installed in front of the public gather space to help enhance the overall streetscape.

\*\*\*\*Mechanical equipment and/or ventilation systems may extend up to ten feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs or other screening material approved by the Zoning Inspector, provided said material has 100 percent opacity year-round.

## *Chapter 1137 – Planned Mixed Use District (PMD)*

### 1137.01 PURPOSE

The purpose of the Planned Mixed-Use District is to promote the general welfare, encourage the efficient use of land and resources, promote public health and utility services, and encourage innovation in the planning and building of appropriate types of retail, office and commercial development integrated with appropriate housing types. This district encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of land, thereby allowing for a unified development that:

- Preserves unique or sensitive natural resources and integrates open space within developments.
- Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance.
- Provides an opportunity for an appropriate mix of uses.
- Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.
- Assures compatibility between proposed land uses through appropriate development controls.
- Preserves the streetscape along the roadways, maintaining the character and promoting safe pedestrian movement.
- Enhances the welfare and economy of the City of Circleville by making available a variety of employment opportunities, providers of goods and services as well as providing a variety of housing options for the City residents.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district yet are imaginative in architectural design and are consistent with the applicable public plans for the area and are compatible with surrounding land uses.

### 1137.02 PROCEDURE

The procedure for the PMD is outlined in Section 1113.07 of this Ordinance.

*THIS AREA INTENTIONALLY LEFT BLANK*

**Table 5**

<b>The following residential uses shall be permitted:</b>	
Dwelling, Single Unit	
Dwelling, Two Unit	
Dwelling, Multi-Unit	
Accessory Structures	
Bed and Breakfast Facilities	
Day Care Centers	
Home Day Care Businesses, Small and Large	
Home Occupations, Major and Minor	
Neighborhood Parks	
Permanently Sites Manufactured Homes	
Places of Assembly	
Tiny Houses	
<b>The following commercial uses shall be permitted:</b>	
Banks, with or without automobile-oriented uses	Institutional - Art Galleries, Libraries, and other similar uses
Beverage Sales, Liquor/Beer/Wine/Bar	Maker Space, Small
Beverage Sales, Micro Brewery	Nursery School
Business Retail, Small	Offices, Small administration, business, medical or professional
Business Retail, Medium	Outdoor Service Facilities
Commercial Recreational Facilities, Small and Large	Personal Services
Commercial Recreational Facilities, Outdoor	Pet Grooming Services
Flex R-tail – Warehouse	Restaurants, with or without Auto-Oriented Uses
Food Carts	Spas and Message Therapy Facilities
Food Trucks/Trailers	
Hotels and Motels	
Hotels, Boutique	
<b>Additionally, this District permits and encourages:</b>	
Mixed Use Buildings - A building within the PMD that contains one or more of the permitted commercial, office or entertainment uses on the ground floor and residential uses on the upper floors.	

#### 1137.04 MINIMUM TRACT SIZE

The Tract proposed for development and included in the application for a PMD must be a minimum of twenty (20) acres. This requirement may be waived by the Planning and Zoning Commission, if the abutting land has previously been platted or otherwise developed and the overall design of the project is consistent with the purposes of this Chapter.

#### 1137.05 OWNERSHIP

Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of the PMD.

#### 1137.06 OPEN SPACE

- a) There shall be a minimum of thirty (30) percent of gross Tract acreage reserved as open space within a proposed PMD. A minimum of twenty (20) percent of the gross Tract acreage must be reserved as a Central Green Space. The remaining ten (10) percent of the required open space may be appropriately distributed throughout the Mixed-Use development.
  1. All dwelling units shall be within 800 feet of some type of usable green space.
  2. The Central Green Space shall be located near the middle of the development and shall be easily and conveniently accessible by sidewalk or paved trail from all dwelling units and non-residential buildings in the development. Detention basins and other stormwater areas, except for permanent wet ponds, may not be located in central open space areas used to meet the minimum amount of required central open space.
  3. When streets abut the Central Green Space, the front façade of the buildings on the opposite side of the street shall face the Central Green Space rather than the rear building elevations, stormwater basins, or parking lots.
  4. All open space shall be permanently deed restricted from future subdivision and development.

If the Planning and Zoning Commission waives the minimum twenty (20) acre requirement in Section 1137.04, the Commission shall have the discretion to adjust the open space requirements to blend with the existing, surrounding development.

#### 1137.07 MIX OF USES

- a) Within each PMD, the following mix of uses must be met:

Type of Use	Minimum Percentage of Net Subarea Acres	Maximum Percentage of Subarea Acres
Single Family, Twin Single, Single Family Attached and Multi-Family Buildings	20 percent	40 percent
Non-Residential including Mixed Use Buildings	40 percent	60 percent
Open Space	30 percent	No maximum

When Mixed Use Developments are first subdivided, each proposed Lot within the development shall be designated as a Non-Residential, Mixed Use, One-Unit, Two-Unit and Multi-Family Units or Open Space. Any future development on an individual Lot shall conform to this initial use designation for that particular Lot.

If the Planning and Zoning Commission waives the minimum twenty (20) acre requirement in Section 1137.04, the Commission shall have the discretion to adjust the mix of use requirements to blend with the existing, surrounding development.

#### 1137.08 DENSITY

- A. One- and Two-Unit Dwellings – The number of permitted dwelling units shall be determined by utilizing the gross acreage of the area devoted to one- and two-unit dwellings. The gross density of One- and Two-Unit Dwellings shall not exceed four (4) units per acre.
1. The number of permitted Dwelling Units for these types of uses may be increased as follows if the following amenities are included:
- A. Additional Open Space: Add 0.1 Dwelling Units per acres for each 1 percent open space provided above and beyond the required 30 percent. The density bonus for additional open space shall be capped at 0.5 additional Dwelling Units per acre (5 percent increase in open space).
- B. Central Open Space Features: Add 0. 25 Dwelling Units per acre for each of the following features included in the Central Open Space. The density bonus for these additional features shall be capped at 0.5 additional Dwelling Units per acre (2 features):
- Gazebo/Pavilion with appropriate seating
  - Fire pits with appropriate seating
  - Splash Pad for kids
  - Paved Patio with appropriate benches or park seating
  - Recreational Pond
  - Swimming Pool
  - Club House
- C. Other Features: Add 0.1 Dwelling Units per acre for each of the following features included throughout the One or Two Dwelling Unit areas:
- Bicycle racks
  - Fitness Area
  - Tot Lot
  - Bocce court
  - Pickleball court
  - Tennis court



- Dog park
- Community gardens

2. In no case shall the gross density for all One- and Two-Unit Dwelling exceed four (4) Dwelling Units per acre (without amenities) and five (5) Dwelling Units per acre (with amenities). All density bonuses are at the discretion of and approval by City Council during rezoning process.

**B. Multi-Unit Dwellings**

- The number of permitted Dwelling Units in Multi-Family Buildings shall be determined by utilizing the gross acreage of the area devoted to this type of use. The gross density for multi-Family buildings shall not exceed 10 Dwelling Units per acre.
- This requirement does not apply to Dwelling Units in Mixed-Use Buildings. The number of units permitted within Mixed-Use Buildings shall be determined by the Floor Area Ratio requirements in Section 1137.08(C).

**C. Mixed Use Buildings – Floor Area Ratio**

Mixed-Use Buildings shall have a maximum Floor Area Ratio of .50. Residential uses may only be permitted on the upper floors of a Mixed-Use building and each unit must be a minimum of 600 square feet.

**Example  
Site and Building  
Footprint**

Lot Size (Acres)	2.00
Max. Floor Area Ratio	0.50
Total Building Size Permitted (SF)	43,560
# of Floors	4
Total SF Per Floor	10,890

**Example Building Uses**

	Use	Number of Dwelling Units	SF
First Floor Use	Restaurant/ Ice Cream/Coffee	N/A	2,178
	Retail	N/A	8,712
2 <sup>nd</sup> /3 <sup>rd</sup> Floors	Studio (600 SF)	11	6,600
	Two Bedroom (950 SF)	11	10,450
	Three Bedrooms (1,000 SF)	9	9,900
	Hallways/Elevator/ Back of House	N/A	5,720
	<b>Total Square Footage</b>		<b>43,560</b>

#### 1137.09 GENERAL LAYOUT REQUIREMENTS

- a) In general, mixed-use developments shall be laid out so that the commercial or mixed-use buildings are located along Arterial or Collector Roads and around the Central Green Space areas.
- b) Streets shall be interconnected.
- c) The use of cul-de-sacs shall be minimized within the Mixed-Use subareas. When the use of a cul-de-sac is necessary, then its length shall not exceed 400 feet.
- d) Sidewalks shall extend from any required multi-use paths and/or sidewalks to the front building entrances, parking areas, Central Green Space areas, and any other area that generates pedestrian activities.
- e) Commercial, office, mixed use buildings and other permitted non-residential uses shall be planned to have common parking areas and common ingress/egress points, in order to reduce traffic congestion and mitigate potential conflict points.
- f) Parking shall be designed to discourage a single, large parking areas and shall have smaller defined parking pods that do not exceed 12 spaces in a single row or 24 spaces in a double row.
- g) Parking areas shall be delineated and accented with landscaping in accordance with Section 1145.04(a)(5).
- h) Parking must be located to the side or rear of the primary buildings to ensure buildings are the focus of the streetscape.

#### 1137.10 DEVELOPMENT STANDARDS

The development standards for a proposed PMD shall be determined by the approved Development Plan, except however, parking shall comply with Section.

#### 1137.11 PRIVATE ROADS

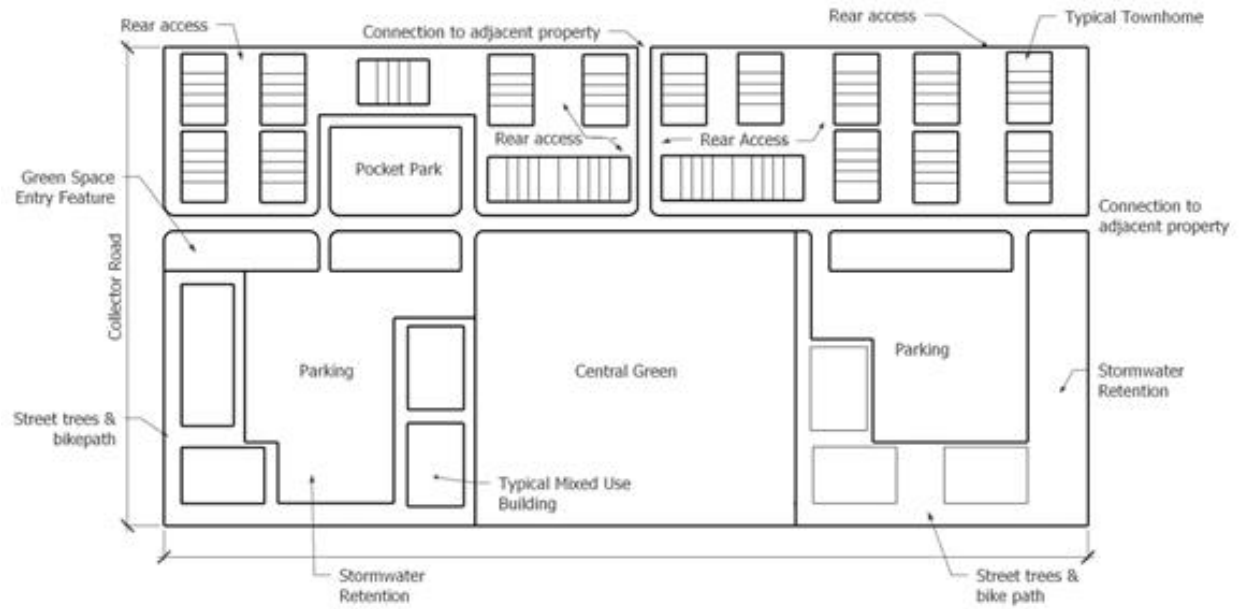
Private roads may be utilized to provide internal circulation to clustered lots and/or individual residential structures within the PMD in accordance with the following requirements:

- a) The easement shall not be counted as open space.
- b) The road or street is approved as part of a subdivision plat as the most appropriate form of access to said lots and/or structures.
- c) Private roads shall not provide access to non-residential areas or as through streets.

#### 1137.12 UTILITIES

All electric, telecommunication, cable television, and other similar utility transmission and distribution lines shall be located underground.

## Example Mixed Use Development – 50 acres



## *Chapter 1138 – Planned Unit Development (PUD)*

### 1138.01 PURPOSE

The purpose of these regulations is to provide for planned unit development (PUD) within the City of Circleville, in order to achieve:

- A greater choice of living environments by allowing a variety of housing and building types and densities within a single development.
- A development pattern which uses the principles of conservation design to preserve and utilize natural topography, significant environmental resources and scenic vistas, and prevents the disruption of natural drainage patterns.
- A more efficient use of land resulting in substantial savings through shorter utilities and streets.
- A development pattern in harmony with land use, density, transportation, and community facilities objectives of the City.

The Planned Unit Development process shall be treated as a zoning amendment.

### 1138.02 DEFINITION

"Planned Unit Development", or PUD, shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PUD also can be used to accommodate conservation development, i.e., the grouping or "clustering" of residential units - at somewhat higher densities - on a portion of the site, using the remainder as permanent open space, comprising the most significant identified environmental resources.

### 1138.03 PERMITTED AND CONDITIONAL USES

Any permitted uses within the City may be combined in the PUD District, provided that the proposed uses are outlined in a Development Text, to be submitted with the preliminary plan application. Once the Development Text is approved, only the uses specified in the text will be permitted in the PUD. The proposed non-residential uses must be compatible with the design of the overall tract, will must not adversely impact adjacent property, and that the location of such uses are must be specified in the preliminary and final development plans.

The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall be clearly designated on the Sketch Plan, as required by Section 1138.11 below.

#### 1138.04 PROJECT AREA

The gross area of a tract of land proposed to be developed in a single PUD District shall be a minimum of five (5) acres. This requirement may be waived by the Planning and Zoning Commission if all property abutting the subject tract is platted and/or developed and the overall design of the project is consistent with the purposes of this Article.

#### 1138.05 COMMON OPEN SPACE

A minimum of thirty percent (30%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be:

1. dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
2. dedicated to the City for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the City shall be subject to the review and approval of the Planning and Zoning Commission; or,
3. some combination of A and B.
4. preserved as permanent open space under a perpetual conservation easement. In such case, the terms of the easement and provisions for maintenance shall be subject to review and approval by the Planning and Zoning Commission.

Public utility and similar easements and rights-of-way for watercourses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Commission.

#### 1138.06 UTILITIES

All new electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

#### 1138.07 ARRANGEMENT OF NON-RESIDENTIAL USES AND PARKING

When development in the PUD District includes non-residential uses, buildings shall be planned having common parking areas and common ingress and egress points, in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of such areas where they are adjacent to residential areas. Parking areas shall be designed so as to discourage single, large,

unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

The plan of projects developed in the PUD District shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

#### 1138.08 RESIDENTIAL DENSITY

The City of Circleville is prepared to accept a higher density in undeveloped areas than that reflected by current zoning, provided the developer can utilize planned unit and conservation development techniques to demonstrate that any increased density will be compensated for by the environmental benefits to be achieved by the proposed plan of development.

The overall maximum density of the residential portions of the entire planned unit development shall be consistent with the most previous zoning classification in which the tract was located or the classification of the most proximate residential district, as expressed in dwelling units per acre. The calculation of such density shall be based on the number of proposed dwelling units divided by the area of the site designated for residential use, excluding streets, rights-of-way and parking areas.

Notwithstanding the above, individual portions of the planned unit development may be developed at a higher residential density, provided the overall density meets the requirements above. In such cases, the resulting undeveloped land may be utilized as common open space.

#### 1138.09 PRIVATE ROADS

Private roads or streets as a common easement may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following requirements:

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures
- C. Private roads shall not be used to provide access to non-residential areas or as through streets.

1138.10 PROCEDURE FOR APPROVAL OF PUD DISTRICT

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 29.11 1138.11 through 29.21 1138.21, as follows:

1138.11 PRE-APPLICATION

The developer is required to meet with the Zoning Inspector, Director of Public Service and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the planned unit development process, other provisions of this Code, and the drainage, sewer, and water systems within the City.

Prior to this meeting, the Owner/Developer shall provide a Sketch Plan of the property, clearly designating the significant environmental resources on the site, how these resources will be preserved, the portions of the site to be developed and the overall densities of those areas.

1138.12 CONTENTS OF APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN

An application for preliminary planned unit development shall be filed with the Planning and Zoning Commission by at least one (1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information and material:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Present and proposed zoning districts
5. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
6. A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Pickaway County Auditor's current tax list.
7. Proposed schedule for the development of the site.
8. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
9. A traffic impact study prepared, signed, and sealed by a Professional Engineer. Vehicle trips shall be determined utilizing the ITE Trip Generator Book (8th Edition or most current publication)
10. A Preliminary Development Text containing the permitted uses, required setbacks, and other development standards applicable to the specific PUD.

11. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
- a. Selected uses by area or & specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use
  - b. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
  - c. Open space and the intended uses therein and acreage provided
  - d. Residential land uses summarized by lot size, dwelling type and density.
  - e. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
  - f. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  - g. Surface drainage and areas subject to flooding.
  - h. Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.

1138.13 REVIEW PROCEDURE

Five (5) copies and one (1) PDF electronic copy of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector prior to the Submittal Due Date as established by the Planning and Zoning Commission in January each year. Failure to submit a complete application shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Planning and Zoning Commission and other parties as deemed appropriate for review and comment.

The application for a Preliminary Development Plan shall follow the same procedures as Section 1113.04(c). The notification requirements for such hearing shall be the same as those listed in Section 1113.04(d).

1138.14 ACTION BY PLANNING AND ZONING COMMISSION

At the conclusion of the public hearing held by the Planning and Zoning Commission, the Commission shall make a recommendation to City Council, following the procedures as cited in Section 1113.04(c) of this Ordinance.



Before making its recommendation as required in Section 1138.14, the Planning and Zoning Commission shall determine whether the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing and proposed public services are adequate for the population densities and uses proposed, and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

Upon receipt of the recommendation by the Commission, City Council shall review and take action on the application, following the procedures specified in Section 1113.04(c) of this Ordinance. Following approval by City Council, the subject property shall be considered as zoned PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

The developer shall submit five (5) copies and one (1) PDF electronic copy of the Final Development Plan to the Zoning Inspector. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

The Final Development Plan, or first phase of the Final Development plan, shall be submitted not later than twelve (12) months from the approval of the Preliminary Development Plan. If submitting the Final Development Plan in phases, the Planning and Zoning Commission shall determine if the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned. All phases of the Final Development Plan shall be submitted not later than two (2) years from the approval of the Preliminary Development Plan. The Planning and Zoning Commission may grant one (1) year extensions due to extenuating circumstances as determined by the Commission.

1138.18

#### CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

An application for approval of the Final Development Plan shall be filed with the Zoning Inspector prior to the Submittal Due Date as established by the Planning and Zoning Commission in January each year, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall contain the following information and materials:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan, including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Plans for landscaping
- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

1138.19 ACTION BY THE PLANNING AND ZONING COMMISSION

Within thirty (30) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the Developer, the Planning and Zoning Commission shall approve, deny or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

1138.20 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of the Final Development Plan shall be for a period of not to exceed two (2) Years. If construction has not begun within two (2) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.

1138.21 PLATTING

The creation of new parcels under any planned unit development shall be subject to the subdivision requirements of this Ordinance. To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.

1138.22 AMENDMENTS

After a Final Development Plan has been approved by the Planning and Zoning Commission, no changes to said plan shall be permitted without approval as set forth below:

1. Minor Amendments: Within 30 days of the submittal of a written application specifically detailing the changes requested along with a revised Final Development Plan, the Zoning Inspector may administratively approve a minor amendment. Minor amendments are limited to the following:
  - a. An encroachment if five (5) feet or less into a Side or Rear Setback as shown on the approved development plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector
  - b. An increase of no more than five (5) percent of the lot coverage provided on the approved development plan.
  - c. An increase of no more than five (5) feet in the maximum building height as shown on the approved development plan.
  - d. Like for like adjustments to the specified building materials.

2. Major Amendments: All other proposed amendments, other than the four (4) identified in (j)(1) above, shall be considered major amendments and must be approved through the original preliminary plan process identified in 1113.07(b) through (e).

## *Chapter 1139 – Flood Plain Overlay District*

### 1139.01 PURPOSE

The intent of the Flood Plain Overlay District is to regulate the limit and control land uses within the flood plain to reduce hazards and improve public health, safety and welfare. The FP District is an overlay district, meaning the underlying zoning district standards and requirements continue to apply in addition to the requirements of this overlay district.

### 1139.02 APPLICABILITY

This overlay district shall apply to all land within the floodway and 100-year flood plain as identified by the Federal Emergency Management Agency (FEMA) scientific and engineering reports entitled “Flood Insurance Study for the City of Circleville and referenced in Chapter 1331 of the Codified Ordinances of the City of Circleville, as amended from time to time.

### 1139.03 PERMITTED USES

The only uses permitted in the FP district are those permitted in the underlying zoning district and meet the requirements of Chapter 1331 of the Codified Ordinances of the City of Circleville, as cited above.

### 1139.04 DEVELOPMENT STANDARDS

The standards for development within the FP District shall be as specified in the underlying District and in Chapter 1331 of the Codified Ordinances of the City of Circleville, as cited above.

## Chapter 1141 – Historic Overlay District

### 1141.01 PURPOSE

The City of Circleville contains areas with unique and valuable historic and architectural resources. The purpose of this District is to protect those existing resources by ensuring that any future rehabilitation or new development blends with the existing architectural styles of the surrounding areas. The rehabilitation of existing structures and any new infill development should also be focused on mixed-use, pedestrian oriented design. Ground floor retail with large windows should be promoted. Residential uses on upper floors should be encouraged to help strengthen and support the vibrancy of the downtown business area.

It is also the intent of this District to protect buildings that are on the National Historic Register but located outside the overlay boundaries depicted on zoning map.

### 1141.02 DISTRICT BOUNDARIES

The Historic Overlay District shall be designated and depicted on the Official Zoning Map adopted with this Ordinance. Additionally, any property listed on the National Historic Register shall be subject to these overlay requirements.

### 1141.03 DESIGN STANDARDS.

a) The following design standards shall apply to all structures within the HOD. The Historic Review Board may engage professional expertise to assist with enforcing these standards:

#### 1. Rehabilitation of Existing Structures

- A. The original architectural features and materials must be preserved as much as practical. When determined appropriate by the Historic Review Board, such features and material shall be retained in place and/or repaired.
- B. When it is not practical, as determined by the Historic Review Board, to retain the original materials or features due to the condition, unavailability, safety or energy efficiency of materials, then quality contemporary substitute materials, may be approved and permitted by the Historic Review Board. In such cases, the materials shall replicate those being replaced in composition, design, color, texture and other visual qualities, as determined by the Historic Review board. Contemporary materials must be the same quality and character of the historical materials.
- C. Colors shall be selected based on documented research of a building's original paint.
- D. If original colors cannot be identified or are unacceptable to the applicant, the Historic Review Board may approve alternate colors that reflect the time period of the building construction.
- E. Retrofitting Access for People with Disabilities (ADA)
  - i. Designs shall be kept simple and unobtrusive within the requirements of compliance with ADA standards.
  - ii. Ramps or lifts must be located at the side or rear of entrances to minimize the impact on the main façade. The Historic Review Board may approve exceptions to this requirement when it is determined impractical.
  - iii. Materials must be the same or as similar to those used on the building. Exposed treated wood this is unpainted is prohibited.

2. New Construction

- A. New construction shall be designed in a manner to create continuity and compatibility with and replicate original block, street, and site patterns as well as original underlying historical design principals of the area in terms of form, mass, height, scale and lot coverage based upon documented research of the original design of the area.
- B. Building width shall be similar to other buildings in the district.
- C. If a building is wider than other structures in the district, the façade shall be divided into subordinate sizes that are similar to the width of other structures in the district.
- D. Building materials and colors must replicate original materials and colors originally used on surrounding buildings.
- E. The primary entrance to the building must front and face on the street.
- F. Blank facades shall be prohibited. A monotony of materials and large surfaces of glass, as determined by the Historic Review Board, shall be avoided.
- G. Concrete block foundation or exposed poured concrete shall be prohibited, unless the Historic Review Board determines these materials were historically utilized on said building. Otherwise, foundations must be clad with brick or stone.

b) General Site Design (Rehabilitation and New Construction): The following general site design standards shall apply to properties subject to the HOD, and unless otherwise noted, shall supersede any general development standard in Chapter 1145.

1. Landscaping

- A. Window plantings – Window plantings, when determined appropriate by the Historic Review Board, shall be provided to add accent to building facades and to avoid blank walls.



- 2. Fences – picket, wrought iron and spindle fences as well as decorative walls constructed of materials that complement the primary structure shall be permitted in front of a building provided they are no taller than three (3) feet in height. Privacy fences, not to exceed five (5) feet in height, shall be permitted when enclosing a patio that is located to the rear of a structure. Chain link, barbed wire, or otherwise electrically charged are prohibited.



### 3. Access and Parking

- A. Parking shall be visually complimentary to the overall building and site design. It shall be secondary to the visual appearance of the building and not dominate its design, as determined by the Historic Review Board.
- B. The total number of required parking spaces shall comply with the underlying zoning district requirements listed in Section Table 6 in Section 1145.04(a)(7).
- C. Parking lots shall be a hard, paved surface.
- D. Parking lots are prohibited in front of a building and curb cuts shall be limited to those areas approved by the Historic Review Board.
- E. Pedestrian access must be maintained along the front building façade and adjacent right-of-way.
- F. If provided, bicycle access and storage shall be incorporated into site design.

### 4. Decks (including rooftop decks), Patios, Private Balconies and Public Gathering Places

Decks (including rooftop decks), patios, private balconies and public gathering places are permitted within the Historical Overlay District. The Historic Review Board shall determine if such uses should be held back from edge of the façade, or where appropriate, the distance such uses may project forward of the front façade in order to appropriately integrate these spaces into the overall visual building and site design.



Example of public gathering space integrated into overall design of building (Scioto Station)

### 5. Lighting

Decorative lighting shall be incorporated into the overall building design as deemed appropriate by the Historic Review Board. Cut off fixtures are not required for decorative lighting attached to the front façade of a building or a decorative wall adjacent to the right-of-way. Parking lot lights shall have cut off fixtures and shall be a maximum of twenty feet in height, measured from existing grade to the top of the fixture. The maximum illumination at the side and rear lot line shall not exceed 0.3 footcandles. The color temperature of all site lighting shall not exceed 4,000K.



Some examples of decorative lighting include the following, however, all decorative lighting shall match the period and style of the building as determined by the Historic Review Board.



6. Mechanical Equipment and Waste Screening

All four sides of mechanical equipment and waste disposal areas shall be screened from view by utilizing a fence, wall, or landscaping. Such screening shall be one foot taller than the height of the mechanical equipment or trash receptacles to be screened. A coordinating gate that compliments the screening material may be utilized on one side of any waste disposal areas to provide access to the trash receptacles.

7. Screening Between Uses: Due to the mixture of land uses in this district, screening between uses is typically not required, except when property within the HOD directly abuts zoning district that permits only one- or two-unit dwellings. In such cases, a four (4) foot height decorative fence or hedge row or combination thereof shall be installed along the property lot abutting the one- or two-unit district.

8. Canopy and Awnings

- A. Fabric awnings must have a matte finish rather than a glossy surface, unless otherwise approved by the Historic Review Board.
- B. Awning colors shall complement the building and be compatible with historically appropriate colors used on the building but not overly ornate patterns and too many colors. The colors of awnings shall be approved by the Historic Review Board.



9. Signs

- A. Projecting, wall and window signs are permitted in this overlay district. The number and size shall be controlled by the underlying district. The requirements of Section 1145.07 shall be met in addition to these requirements.

- B. Signs must have minimal visual impact on the site and surrounding area and shall be subordinate and complementary to the primary building.
- C. Signs shall be pedestrian scaled by relating more to the sidewalk than the street and shall be intended more for those walking on the sidewalk than those driving on the street.
- D. Digital signs shall be prohibited as they do not reflect the historical character of the area.
- E. In addition, the permitted projecting, wall and window signs, uses within this overlay district may utilize Sandwich Board Signs, provided they comply with the following standards:
  - i. They shall not exceed eight (8) square feet square feet and shall be placed on the sidewalk in a manner that does not impede pedestrian movements.
  - ii. They shall be removed each night as well as during inclement weather.
  - iii. They shall be secured with stable base and/or chain to prevent unintentional movement or the collapsing of the sign.
  - iv. In addition to the above requirements, any new Sandwich Board Signs after the effective date of this code shall be made with a wood frame with white board and chalk board elements Any new plastic signs and changeable letters are prohibited after the effective date of this code.

Example of Sandwich Board Signs:



#### 1141.04 CERTIFICATE OF APPROPRIATENESS

No building within the HOD shall be constructed, reconstructed, altered or demolished until a Certificate of Appropriateness has been issued by the Historic Review Board.

Furthermore, the Zoning Inspector shall not issue a Zoning Permit for any construction, reconstruction, alteration, or demolition of any structure within or subject to the HOD, unless a Certificate of Appropriateness has been issued by the Historic Review Board. The procedures for obtaining a Certificate of Appropriateness can be found in Section 1113.10.

## *Chapter 1143 – Hunting Reserve Overlay District (H-Overlay)*

### 1143.01 PURPOSE

The purpose of these regulations is to provide open areas of low population density within the City of Circleville that are conducive to recreational hunting activities. These areas are directly linked to the social, historical and cultural well-being of the community. The purpose of the Hunting Reserve Overlay District is to protect and preserve these assets while providing necessary safeguards to protect and preserve public health and safety. The Hunting Reserve Overlay District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the H-Overlay District regulations and requirements as cited below.

### 1143.02 DISTRICT BOUNDARIES

The Hunting Reserve Overlay District shall consist of areas to be identified and designated on the Official Zoning Map.

### 1143.03 PERMITTED USES

Hunting with firearms in accordance with applicable state, federal and/or local laws, in addition to permitted and/or conditional uses as specified in the underlying District.

### 1143.04 ADDITIONAL DEVELOPMENT STANDARDS

The minimum acreage requirement for inclusion into the Hunting Reserve Overlay District shall be fifty (50) acres. The maximum permitted residential density shall be not more than one (1) dwelling unit per fifty (50) acres. No business activities shall be allowed in a Hunting Reserve Overlay District.

---

## *Title VII*

### *General Development Standards*

---

#### *Chapter 1145 – General Development Standards*

##### 1145.01      APPLICABILITY

Unless otherwise noted, the following General Development Standards are applicable to all developments in addition to the Site Design Standards for each applicable Zoning District.

##### 1145.02      LANDSCAPING, BUFFERING AND SCREENING

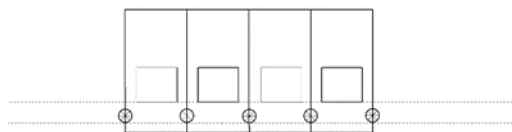
###### a) Street Trees.

1. Deciduous street trees shall be placed within a maintenance easement adjacent to the right-of-way on the back side of the sidewalk.
2. Types: The types of street trees utilized to meet these requirements shall be listed on the Approved Street Tree list within Appendix A of the City of Circleville Comprehensive Tree Plan.
3. Spacing: Street trees shall be spaced as follows according to the zoning district:
  - A. In the LDR and MDR Districts: The spacing of street trees shall be dependent upon lot width and such trees shall be located as shown on the below LDR and MDR Street Tree Placement Exhibit. For corner lots, a street tree is not required where the two streets intersect in order to address sight distance concerns.
  - B. In all other districts, the street trees shall be spaced at a maximum of thirty (30) feet on center.
  - C. Street trees are not required within the DB, NB and HOD.



Example: Street Trees

LDR and MDR Street Tree Placement Exhibit



b) The following requirements apply to all uses within all Districts, except the LDR and MDR:

1. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
2. All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

<u>Tree Type</u>	<u>Minimum Size at Time of Planting</u>
Deciduous Trees	2-inch caliper
Coniferous	5 feet in height
Shrubs and Hedges	3 feet in height

3. The following types of undesirable trees shall be prohibited:
  - A. Callery Pear (*Pryus calleryana* – any cultivar)
  - B. Tree of Heaven/Ailanthus – (*Ailanthus altissima*)
  - C. White Mulberry – (*Morus alba*)
  - D. Ginko – Female Only – (*Ginko biloba*)
  - E. Russian Olive – (*Elaeagnus angustifolia*)
  - F. Autumn Olive – (*Elaeagnus umbellate*)
4. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
5. Artificial plant materials shall be prohibited.
6. All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
7. Landscaping shall be planted in a manner so that it does not extend beyond a property line at full growth.
8. Landscaping shall be planted and kept trimmed so that it does not cover or obscure traffic visibility or traffic signals.
9. Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

- c) **Parking Lot Screening.** All parking lots within all Districts (including the HOD) shall comply with the following parking lot screening requirements:

1. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
2. All parking islands required in Section 1145.04(a)(4) shall have a minimum of one shade tree with a minimum of 2" in caliper. The remaining area of the landscaped island shall be planted with grass or covered with stone.



Example: Parking Island with stone material

- d) **Setback Landscaping.** The Setback Landscaping is required for all developments abutting an Arterial or Collector Road, except for those located within the DB, NB, PMD and HOD Districts. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be a minimum of four (4) trees per one hundred (100) lineal feet. Trees may be deciduous, coniferous or a combination thereof. This requirement shall not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

Example: Setback Landscaping

**Screening Between Uses.** In all Districts, except the HOD, a continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. In any district, except the DB and NB, mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. The screening between uses in the HOD shall comply with Section 1141.03(b)(7).



1145.03 MECHANICAL EQUIPMENT, PRODUCTION STORAGE AND SERVICE AREAS, TRASH CONTAINERS AND LOADING ZONES

- a) **Mechanical Equipment.** All external mechanical equipment shall be screened from adjacent existing or planned public rights-of-way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment. This requirement applies to all uses in all Districts, except for LDR and MDR.
- b) **Production areas, Service areas, Storage Areas, Trash Containers, and Loading Zones.** All production areas, service areas, storage areas, trash containers and loading zones for all uses in all Districts shall be located at the rear or the side of the building if the side is not oriented towards an existing or planned public right-of-way, private street, or an existing or proposed residential area. They shall be

effectively screened from all adjacent property lines, existing or planned public rights-of-way and private streets as follows:

1. Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.
- c) Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage.

#### 1145.04 PARKING

- a) Unless otherwise noted, these parking standards apply to all uses in all Districts. Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. In order to accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.
  - A. Parking Lot Location: All parking lots shall be located in accordance with the parking lot location requirements in Table 4 of Chapter 1135, which is also restated below

	NB	GB	DB	CS	IE
Parking In Front of Building	Prohibited	Permitted	Prohibited	Per Approved Plan	Permitted

- B. Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the parking lots need to straddle internal lot lines in order to comply with the connectivity requirements of Section 1145.05. In such cases, appropriate cross access easements must be established.
- C. Parking Bays: No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) spaces in a single row in the NB, GB, and CS Districts, In the IE District, no Parking Bay shall contain more than forty-eight (48) parking spaces, with a maximum of twenty-four (24) spaces in a single row.
- D. Parking Lot Islands: Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of

three hundred twenty-four (324) square feet with a minimum width of nine (9) feet and shall be landscaped in accordance with Sections 1145.02 and 1145.04(a)(E)(2).

- E. Parking Lot Screening: All parking lots shall comply with the following parking lot screening requirements:
1. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
  2. All parking islands required in Section 1145.04(a)(D) shall have a minimum of one shade tree with a minimum of 2" caliper. The remaining area of the landscaped island shall be planted with grass or covered with stone. (See also Section 1145.02)
- F. Electronic Charging Stations: Parking lots with 200 spaces or more, shall include at least one electric plug-in service space. Plug-in points shall be associated with an individual parking space and shall be installed according to appropriate design standards, as approved by the Service Director. Plug-in points are exempt from the service structure screening requirements of Section 1145.04(a)(5).
- G. Number of Parking Spaces: All uses within all Districts shall comply with the number of parking spaces requirements specified herein. These standards are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce Impervious Surfaces and increase green space. The Total Number of Required Parking Spaces shall be calculated for each separate use on the lot. In no case shall the total number of parking spaces for a particular use be less than the Minimum nor more than the Maximum Number of Required Parking Spaces for said use based upon the below chart. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number. In the case of any use or combination of uses not specifically mentioned herein, the zoning inspector shall determine the number of required spaces based on similar or comparable use.

Table 6

Use	Minimum Number of Required Parking Spaces	Maximum Number of Required Parking Spaces
<b>General Retail &amp; Personal Services</b>	1 space per 265 square feet	1 space per 225 square feet
<b>Restaurants, Bars, Coffee and Ice Cream Shops</b>	1 space per 100 square feet	1 space per 75 square feet
<b>Movie Theater</b>	.25 spaces per seat	.3 spaces per seat



<b>Use</b>	<b>Minimum Number of Required Parking Spaces</b>	<b>Maximum Number of Required Parking Spaces</b>
<b>Hotel</b>	1 space for each sleeping room plus 1 space for each employee on the largest shift	
<b>Hospital/Nursing Home/Hospice</b>	1 space for every bed plus 1 space for each employee on largest shift	1 space for every bed, 4 spaces for every 1,000 square feet of inpatient treatment area, and 5 parking spaces for every 1,000 square feet of outpatient treatment area
<b>Professional Offices - Open Floor Plan</b>	1 space per 175 square feet	1 space per 150 square feet
<b>Professional Offices - Traditional Floor Plan</b>	1 space per 300 square feet	1 space per 250 square feet
<b>Medical Office</b>	1 per 225 square feet	1 space per 200 square feet
<b>Flex/Advanced Manufacturing</b>	2 spaces per 1,000 square feet	2.5 spaces per 1,000 square feet
<b>Warehouses</b>	1 space per employee on largest shift	1.5 space per employee on largest shift plus 1 space per vehicle stored on site
<b>Library</b>	1 space per 250 square feet	1 space per 200 square feet
<b>Church or Place of Worship</b>	1 for each 4 seats in the main sanctuary	
<b>Public or Private Elementary or Secondary School</b>	4 spaces for each classroom or 1 space for each 5 seats in the auditorium, whichever is greater	
<b>Business, Trade, or Technical School, College or University</b>	1 space for each 2 students and 1 space for each faculty member	

<b>Use</b>	<b>Minimum Number of Required Parking Spaces</b>	<b>Maximum Number of Required Parking Spaces</b>
<b>Daycare</b>	1 space for every 7 children and 1 space for each employee on the largest shift	1 space for every 5 children and 1 space for each employee on the largest shift
<b>Assisted Living Facilities</b>	1 space for every 2.5 Dwelling Units plus 1 space for every 2 employees	1 space for 2 Dwelling Units plus 1 space for every 2 employees on largest shift
<b>Independent Senior Living Facilities</b>	.85 spaces per Dwelling Unit	1 space per Dwelling Unit
<b>Multi-Family Dwelling Units, Townhomes</b>	1 Space per Dwelling Unit	3 spaces per Dwelling Unit
<b>Residential, One- and Two-Family Units</b>	1 space per unit	2 spaces per unit
<b>Recreational Uses</b>		
Mini-Golf, Batting Cage	1 per tee or cage	1.5 per tee or cage
Bowling Alley	3 per lane	4 per lane
Recreation/Fitness Centers	7 spaces per 1,000 square feet	8 spaces per 1,000 square feet
Outdoor recreation fields	50 per field	75 per field
Ice or Skating Rink	1 per 200 square feet	1 per 150 square feet

\*Utilize gross square footage whenever there is a reference to square feet

- H. Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
- I. All parking spaces shall be a minimum of 9 feet in width and 23 feet in length measured rectangularly and shall be served by aisleways of a minimum of 24 feet in width to permit easy and smooth access to all spaces.
- J. All parking areas, common areas and adjacent driveways shall be paved with asphalt material, cement, cobblestone, or brick pavers and parking spaces shall be striped. The use of gravel or asphalt grindings for parking lots shall be prohibited. All vehicles shall be parked on a paved driveways or parking areas and shall be prohibited from being parked in grass or other unpaved areas of lots.

- K. Mixed Use Development Parking: When a mix of uses creates staggered peak periods of parking (see Table 8), the total parking requirements for the uses may be reduced up to fifteen (15) percent below the Total Minimum Parking Requirements, provided a shared parking plan is submitted at the applicable approving stage and approved by the applicable reviewing authority as designated in Table 7.
1. The shared parking plan must be based upon the number of originally required spaces for differed uses or facilities sharing the same parking area and documentation that the required parking needed for different uses at different days and times generally based upon Table 8.
  2. Parking spaces included in the shared parking plan must be distributed in a manner that provides parking spaces within a reasonable distance from all proposed uses as determined by applicable reviewing entity.
  3. Shared parking must remain under common ownership providing access to all users of the shared parking. If common ownership is not proposed, the applicable approving authority, may require documentation of shared access agreements to be provided.

Table 7

District	Applicable Approval Stage	Applicable Approving Agency
CS District	Site Plan Design	Planning and Zoning Commission
PMD	Final Development Plan	Planning and Zoning Commission recommendation/Council Action
HOD	Certificate of Appropriateness	Historic Review Board
Permitted–Uses - All Other Districts	Zoning Permit	Zoning Inspector
Conditional Uses – All Other Districts	Conditional Use Application	Board of Zoning Appeals

Table 8

<u>Weekday Peaks</u>	<u>Evening Peaks</u>	<u>Weekend Peaks</u>
Banks	Bars	Retails Uses
Professional Offices	Ice Cream Shops	Movie Theaters
Medical Offices	Restaurants	
Library	Movie Theaters	
Daycare		
Coffee Shops		

- L. Bicycle Parking: Bicycle parking is required in the PMD. When bicycle parking is required or otherwise provided, it shall comply with the following requirements.
1. Minimum Number of Bicycle Spaces:
    - i. Multi-Unit Dwelling: one bicycle space for every two dwelling units.
    - ii. Public/institutional uses: one bicycle space for every 20 required vehicle parking spaces.
    - iii. Commercial uses, one bicycle space for every 10 required vehicle parking spaces.
  2. Facility Type:
    - i. The designs of bicycle racks, docks, posts and lockers, when provided, shall be decorative, unique, and appropriate to the surrounding area. When determined appropriate by the Historic Review Board, bicycle parking design shall be incorporated into building design and coordinated with the design of street furniture when it is provided.
    - ii. Bicycle parking racks, docks, or posts shall be designed and installed to allow a bicycle to be locked to a structure, attached to the pavement, building, or other permanent structure, with two points of contact to an individual bicycle frame. Racks, docks, and posts shall be designed to allow the bicycle frame and one or both wheels to be locked with a U-lock when used as intended.
    - iii. Bicycle parking racks, docks or posts provided within the street right-of-way shall be of a consistent design on all streets. Facility types, designs and locations within the street-right-of-way shall require approval by the Service Director.
  3. Location:
    - i. Required bicycle parking shall be located within a reasonable walking distance of the principal building entrances being served. Bicycle parking may be provided in and/ or adjacent to open spaces where provided. The location and design shall ensure that bicycle parking and facilities do not obstruct vehicle parking or pedestrian walkways as required by the Ohio Building Code, the Americans with Disabilities Act, and other applicable state and federal laws, policies and guidelines. Bicycle facilities and parking areas shall meet the sight visibility requirements of this Ordinance.
    - ii. Outdoor bicycle parking areas shall be located in well-lit areas.
    - iii. A pedestrian-accessible walk shall be available between the outdoor bicycle parking area and the principal building entrance. Public sidewalks may be used to meet this requirement.
    - iv. Bicycle lockers shall be located inside or to the side or rear of the principal structure, but not within any required setback or required building zone.

- M. Recreational Vehicles: Residents shall be permitted to park a recreational vehicle on a lot in any zoning district which permits one or two dwelling units, provided the following criteria are met:
1. There shall be a maximum of one recreational vehicle per dwelling unit permitted on said lot. For purposes of this Ordinance, a boat stored on a boat trailer is considered one recreational vehicle. Said recreational vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and ten (10) feet in height.
  2. Said vehicles shall be parked on a paved surface and shall not be parked in the grass or on any other unpaved surface.
  3. Unless such vehicle is parked in the driveway, it shall not be located forward of the front plane of the main dwelling. If the recreational vehicle is parked in a driveway, it shall not extend into the right-of-way or block the sidewalk.
  4. In no case, shall a recreational vehicle be utilized for living, sleeping, housekeeping, business or storage purposes.
  5. Said recreational vehicle must have a valid registration and license from the State of Ohio, when applicable.
  6. Recreational vehicles that are stored within a fully enclosed structure with four walls and a roof shall not be subject to these regulations.

N. Loading Spaces:

- A. All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 1145.03(b) and are prohibited within any Right-of-Way Setback.
- B. A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
- C. All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
- D. A required loading space shall have a clearance height of not less than 15 feet and shall have minimum dimensions of not less than 12 feet in width and 50 feet in length, exclusive of any driveway, aisle, or other circulation area.
- E. The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:
  - i. NB, GB, DB, HOD and CS Districts: Each use in these Districts shall provide loading spaces based on gross floor area as follows:

Less than 5,000 square feet – none required

5,000 to 250,000 square feet = one space

Over 250,000 square feet = one space for each 250,000 square feet or portion thereof.

- ii. IE District: Each use in this District shall provide loading spaces based on gross floor area as follows:
- Under 10,000 square feet = none.
  - 10,000 square feet or more but less than 75,000 square feet = one space.
  - 75,000 square feet or more but less than 150,000 square feet = two spaces.
  - 150,000 square feet or more but less than 300,000 square feet = three spaces
  - Over 300,000 square feet = one space for each 100,000 square feet or portion thereof.
- The loading space requirements for buildings with multiple uses or tenants shall be determined based on the aggregate total of gross floor area of all uses or tenants.

1145.05 ACCESS AND CONNECTIVITY

- a) Access:
1. Non-Residential–Lots - Access points on non-residential lots shall be determined and permitted by the Service Director. Access to US 23 shall be limited to those locations approved by ODOT.
  2. Residential Lots zoned for one- or two-unit residential structures shall be limited to one access point per lot, except for corner lots. Corner lots may permitted one access point along each abutting right-of-way. All residential access points shall be:
    - A. no more than twenty (20) feet in width measured at the right-of-way line; and
    - B. designed to comply with the City of Circleville Roadside Manual and Subdivision Regulations; and
    - C. a minimum of three (3) feet from a property line; and
    - D. a minimum distance of thirty-five (35) feet from an intersection as measured from the centerline of the driveway to the right-of-way line of the intersecting road.
- b) Vehicular Connectivity (Parking Lot Connections): Unless waived by the Service Director, all uses within the GB District shall provide for vehicular connectivity between properties within the Tract to be developed as well as future connections to adjacent properties outside of the Tract boundaries. This requirement can be achieved through the use of cross access easements between parking lots and has been established to reduce traffic movements on mainline roads to improve the public health and safety of those utilizing the public rights-of-way.
- c) Multi-Use Path and Sidewalks: All Arterial and Collector Roads in all Districts except NB, DB, and HOD shall have an either 10-foot multi use path or a five (5) foot sidewalk. The Service Director will determine if the multi-use path or sidewalk is more appropriate based upon area conditions and existing infrastructure connections. Sidewalks shall be required along Arterial and Collector Roads in the NB, DB and HOD and for all new construction along local roads in all districts. Curb ramps and crosswalks shall be installed per the American Disability Act requirements. Multi use paths and

sidewalks must be constructed within the road right-of-way or within an easement designated for such public use.

- d) In all Districts, walkways shall be constructed from the public sidewalk to building entrances and they shall also connect the parking lots to building entrances. All new sidewalks shall also connect to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points.

#### 1145.06 LIGHTING

- a) Exterior lighting in all Districts, except the HOD, shall comply with these standards unless specified. Exterior lighting for uses in the HOD shall comply with Section 1145.03(b)(5).

- b) Exemptions:

1. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
2. Holiday lighting shall be exempt from the requirements of this section.
3. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
4. Streetlights shall be exempt from the provisions of this section.

- c) Prohibited Lighting:

Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

- d) Types of Fixtures: All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.

- e) Fixture Height:

1. The fixture height in parking lots shall not exceed 20 feet.
2. Lighting located under canopies shall be flush mounted or recessed within the canopy.
3. Fixture height shall be measured from the finished grade to the topmost point of the fixture.

- f) Kelvin Temperature: The color temperature for all lights shall not exceed 4,000K

- g) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:

1. The maximum illumination at a Lot Line that abuts a lot within an existing residential use or is zoned or designated for residential uses shall be 0.3 foot-candles.
2. The maximum illumination at a Lot Line that abuts any other use shall be 1.0 foot-candles.
3. The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way. The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.

All non—essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, Signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting shall be required for any parking lot abutting an existing one-unit dwelling.

- h) Automobile Oriented Uses - Canopy Lighting: Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light.

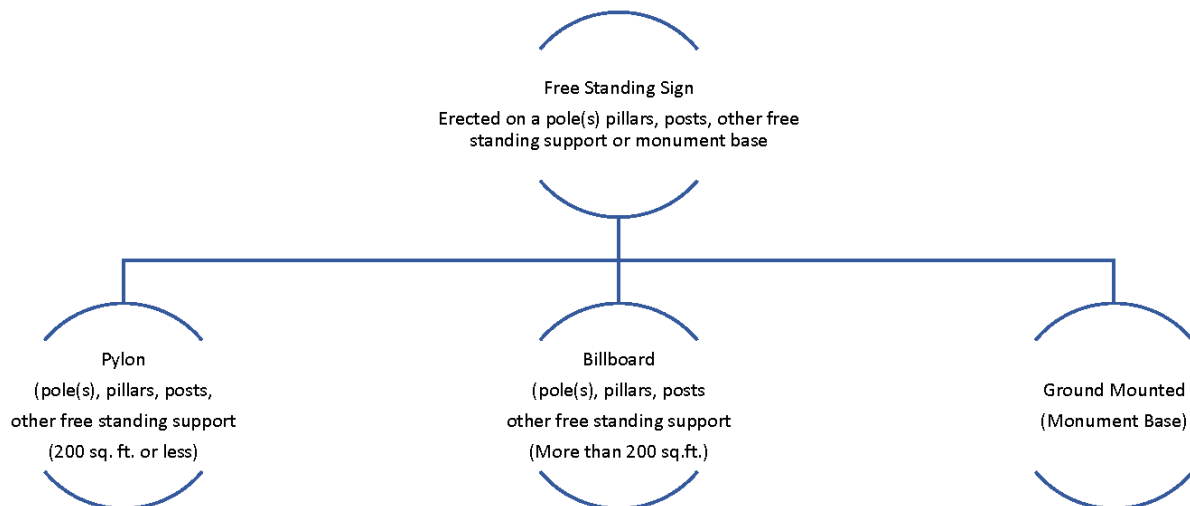
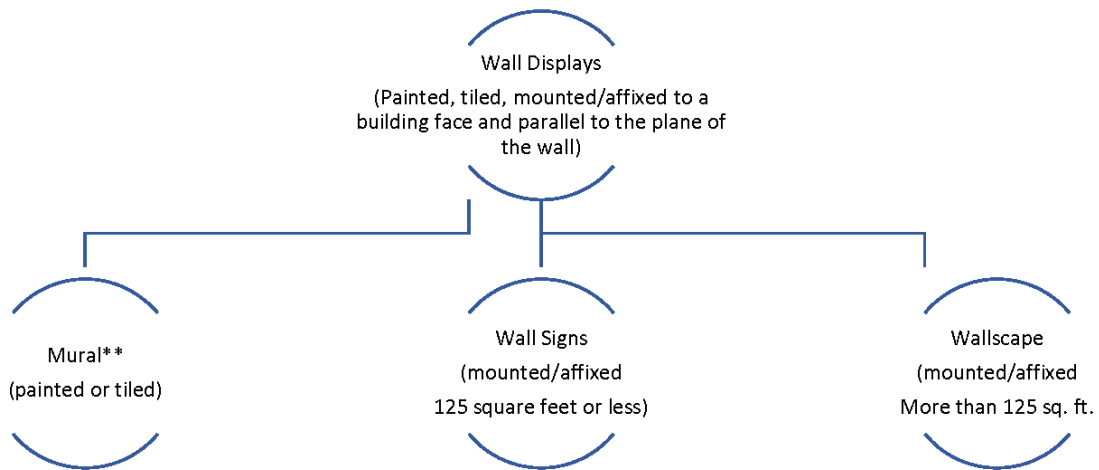


a) The following regulations apply to all Signs within the City of Circleville:

1. Unless otherwise exempted, a Zoning Permit shall be obtained prior to erecting any sign in any district. The following types of signs are exempt from obtaining a Zoning Permit:
  - i. Signs not exceeding two (2) square feet in area that are customarily associated with a residential use and are not of a commercial nature, including the address and/or the name of the occupants.
  - ii. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control devices, provided such signs carry no supplementary advertising.
  - iii. Signs that are on the inside of a structure or building that are designated or located so as to be typically visible from outside the window.
  - iv. Temporary signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
2. All signage and graphics shall be carefully coordinated with the building and architecture.
3. Signs shall not be painted directly on the surface of a Fence.
4. No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building
5. The following permanent Signs shall be prohibited: portable displays or mobile Signs (except for sandwich board signs as permitted and regulated by Section 1141.03(b)(9)(E) in the HOD), gas or air filled devices, revolving or rotating Signs, exposed neon Signs, exposed LED Signs, rotating Signs, Signs with flashing messages or bare bulbs, Signs on backlit awnings, flashing Signs, video Signs, Signs with moving text or pictures, bench Signs, and Wallsapes.
6. Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such Signs shall not require a permit.
7. Off-Premises Signs shall be prohibited.
8. Original Art Mural and Vintage Art Murals as defined in Section 1105 shall only be permitted in accordance with Section 1145.07(p) of these regulations.

### Types of Signs:

\*These graphics are for illustrative purposes only. The definitions for each type of signs Article 1105 Time, place and manner regulations in Section 1145.07 also apply to each type of sign.



b) Ground Mounted Signs:

<b>Table 9 – Ground Mounted Signs</b>						
	AG, LDR, MDR, HSU, TUR, MHR Permitted Uses	AG, LDR, MDR, HSU, TUR, MHR Conditional Uses	ND, DB, MUR	GB, CS	IE	PMD
Maximum Number Permitted Per Public Road Frontage	N/A	1	1	1	1	Per Approved Development Plan
Maximum Square Footage Per Sign	N/A	12	20	40	40	Per Approved Development Plan
Maximum Height (ft)	N/A	6	6	8	8	Per Approved Development Plan
Minimum Distance from ROW (ft)	N/A	10	10	20	20	Per Approved Development Plan

1. The maximum square footage in the above table is per sign face. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.
2. All Ground Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.
3. Monument Signs shall not be permitted along rear access roads.

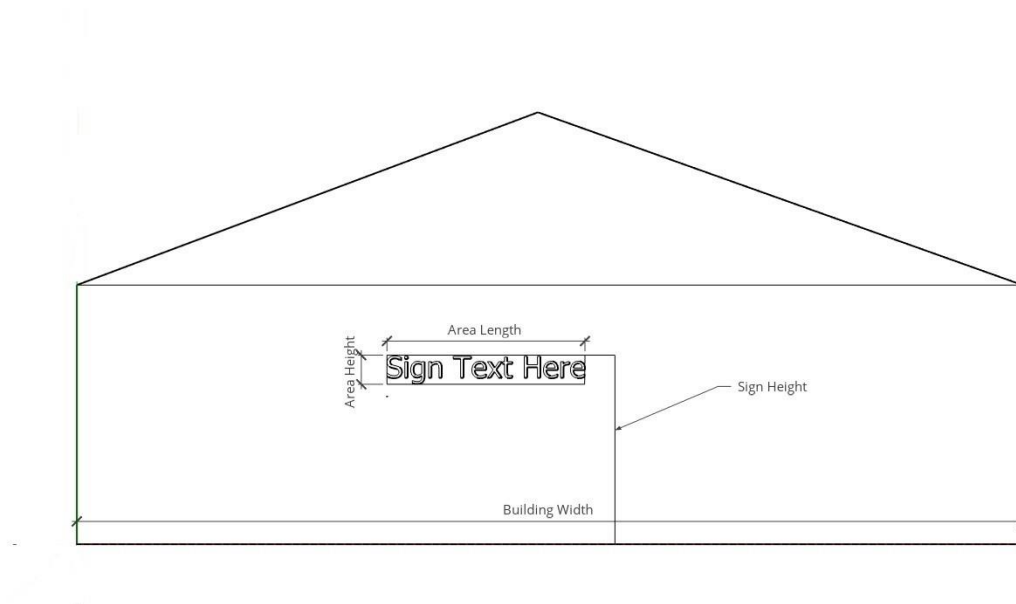
Measurement of Ground Mounted Sign Area and Height:



c) Wall Signs.

<b>Table 10 - Wall Signs</b>							
	AG, LDR, MDR, HSU, TUR, MHR Permitted Uses	AG, LDR, MDR, MHR Conditional Uses	HSU, TUR Conditional Uses	ND, DB, MUR	GB, CS	IE	PMD
Maximum Number Permitted Per Public Road Frontage	1	1	2	2	1	1	Per Approved Development Plan
Maximum Square Footage Per Sign	2 sq ft	12 sq ft	1.5 sq ft per 1 lineal foot of building width, not to exceed 75 sq ft	1.5 sq ft per 1 lineal foot of building width, not to exceed 75 sq ft	1.5 sq ft per 2 lineal foot of building width, not to exceed 125 sq ft	1.5 sq ft per 2 lineal foot of building width, not to exceed 125 sq ft	Per Approved Development Plan
Maximum Height (ft)	8	15	15	15	25	40	Per Approved Development Plan

Measurement of Wall Sign Area and Height:

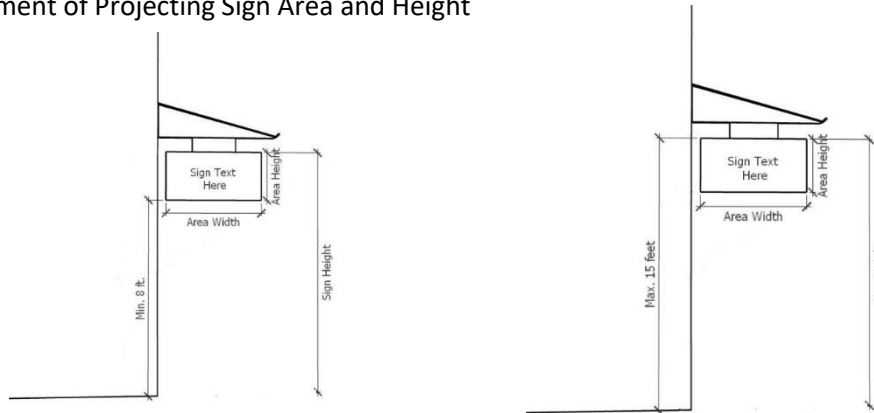


- d) Projecting Signs: When permitted, such Signs shall be scaled with the building design and shall blend with the architectural design of the building to which it is attached. Each sign face shall count to the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted only in the NB, DB and PMD District as follows:

**Table 11**

<b>Projecting Signs</b>		
	<b>NB, DB,</b>	<b>PMD</b>
Maximum Number Permitted Per Business	1	Per Approved Development Plan
Maximum Square Footage	6	Per Approved Development Plan
Maximum Height (Feet)	8	Per Approved Development Plan

Measurement of Projecting Sign Area and Height



- e) Canopy Signs: Canopy signs are permitted in the NB, DB, GB, PMD and CS District as follows:

**Table 12**

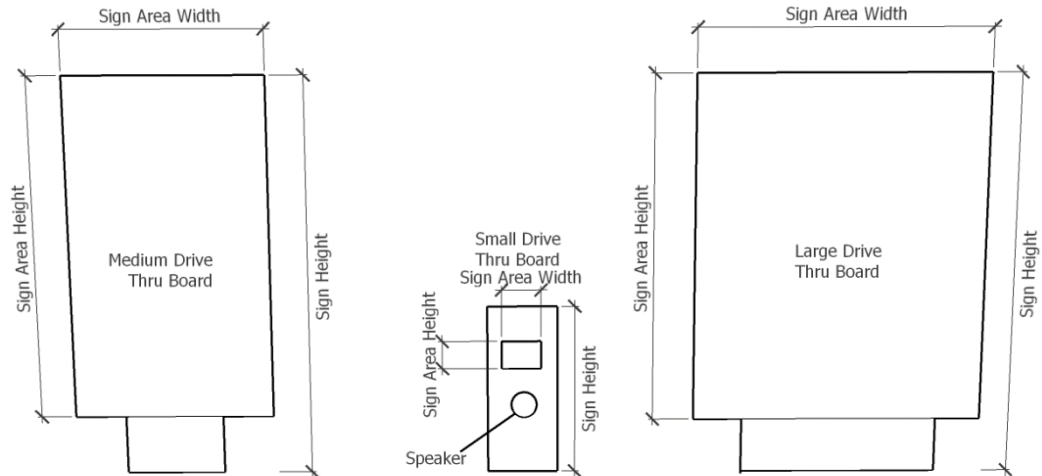
<b>Canopy</b>		
	<b>NB, DB, GB, CS</b>	<b>PMD</b>
Maximum Number Permitted Per Building	2	Per Approved Development Plan
Maximum Square Footage	10	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan

- f) Window Signs: Window signs are permitted in the following Districts as follows:

**Table13**

Window Signs				
	AG, LDR, MDR, HSU, TUR, MHR Permitted Uses	AG, LDR, MDR, HSU, TUR, MHR Conditional Uses	NB, DB, GB	PMD
Number of Signs Permitted	1 per lot	1 per lot	1 per business	Per Approved Development Plan
Maximum Square Footage	2	10	15	Per Approved Development Plan
Maximum Height (Feet)	15	15	10	Per Approved Development Plan

- g) Pylon Signs: Any parcel that is zoned GB shall be permitted to have one Pylon Sign that does not exceed twenty-five (25) feet in height and two-hundred square feet. If a property in the GB district abuts two public rights-of-way, the Pylon Sign shall be placed along the right-of-way with the greater traffic count. There shall be no more than two sign faces, which shall be placed back-to-back to one another. Each sign face shall count toward the maximum size of the sign and the total maximum square footage of all signs. Pylon Signs are prohibited in all other locations within the city.
- h) Drive Thru Boards: Signs accessory and adjacent to drive-thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:
1. One large drive-thru board shall be permitted per drive thru lane. Said sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the drive through lane to which it serves and shall not exceed eight (8) feet in height.
  2. One medium drive thru board shall be permitted per drive thru lane. Said sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive through lane to which is serves and shall not exceed eight (8) feet in height.
  3. One small drive-thru sign board shall be permitted per drive through lane shall be permitted. Said sign shall not exceed two and half (2.5) square feet area, must be located on the drive thru speaker and shall not exceed five (5) feet in height.
  4. Drive thru board signs shall be permitted to have changeable copy electronic display messages may be permitted provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.



i) Way Finding Signs:

There may be two way finding signs per access driveway connecting to a public or private street. Way finding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the right-of-way and on the property of the user(s) of which they are identifying the entry or exit.

j) Total Maximum Square Footage of All Signs:

Total Maximum Square Footage of All Signs	
NB, DB	150 for internal lots
	250 for corner lots
GB, CS, IE	350 for internal lots
	500 for corner lots
PMD	Per Approved Development Plan

k) Billboards: Billboards shall be prohibited in all districts except the GB and IE Districts. In the GB and IE Districts, Billboards shall be considered conditional uses and shall not exceed 300 square feet in area and 35 feet in height; shall be setback a minimum of 200 feet from the right-of-way, and a minimum 1,500 feet from any residential zoning district or existing residential use. There shall also be a minimum of 1,000 feet between off-premises signs.

l) Entry Feature Signs: Each development (residential or non-residential) that consists of more than one (1) lot or contains a multi-tenant building is permitted to have one Entry Feature Sign that does not exceed twenty (20) square feet (per side), ten (10) feet in height and setback a minimum of ten (10) feet from the right-of-way.

m) Sign Lighting –

- A. Sign lighting shall be consistent, understated, and properly disguised. Unless noted otherwise within the HOD, one of the following methods of lighting may be employed:
- a) A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
  - b) A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
    - i. The color temperature of the sign lighting shall not exceed 4,000K.
    - ii. The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any Right – of – Way or parking lot from which the Sign can be viewed.
    - iii. Light fixtures shall be screened from view by site grading or landscaping.

n) Temporary Signs: The following Temporary Sign regulations apply to all uses within all subareas:

- 1. Temporary Signs shall be prohibited within the right-of-way.
- 2. In LDR, MDR, HSU, TUR, MUR and MHR zoning districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other zoning districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height. Additionally, on all properties within the NB, GB and IE Districts, each parcel shall be permitted to have one (1) feathered flag that does not exceed twelve (12) feet in height.
- 3. Two (2) Large Temporary Signs shall be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
  - 1. Exceed eight (8) feet in height
  - 2. Exceed thirty-two (32) square feet in area (per Sign face)
  - 3. On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to three-hundred and sixty-five (365) days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional one-hundred eighty (180) days. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals.
- 4. Small and Large Temporary Signs shall not count toward the total maximum square footage of signs permitted on a lot.



5. The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

o) Changeable Copy and Electronic Message Displays

These Changeable Copy and Electronic Message Display standards are applicable to all signs, except drive thru boards since the purpose of those boards are to service those utilizing the drive thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:

- 1) Be limited to fifty (50) percent of the overall sign area.
- 2) Be static, shall not move, scroll, or flash, and shall not exceed a nighttime (one hour after sunset) maximum luminance (cd/m<sup>2</sup>) of 40.
- 3) Be turned off at 11:30 p.m. or one hour after the close of business, whichever occurs first and shall remain off until 6:30 a.m. the following morning

p) Murals.

1. Original Art Mural Requirements. Original Art Murals that meet all of the following requirements shall be issued a Mural Permit by the Zoning Inspector:
  - A. Original Art Murals are permitted only in the NB, GB, DB, CS, IE and PMD districts.
  - B. The mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation.
  - C. The applicant, if different from the property owner, must obtain an affidavit from the building's owner giving permission for the applicant to adhere the mural to the building.
  - D. There shall be no more than one Original Art Mural per parcel or per building, whichever is more restrictive.
  - E. Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
  - F. No part of the mural shall exceed the height of the structure to which it is tiled or painted.
  - G. The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear.
  - H. The mural shall be properly maintained through repair and paint, or any necessary treatment so as to prevent decay. Defective or insufficient weather protection for exterior treatments and facades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in Section 1115.01 of this Ordinance.

- I. Murals on properties within the PMD must be part of the originally approved development plan or an amendment to said plan must be approved by the Zoning Commission prior to the Zoning Inspector issuing a Mural Permit.
  - J. Murals on properties within the Historic Overlay District must obtain a Certificate of Appropriateness from the Historic Review Board prior to the Zoning Inspector issuing a Mural Permit.
  - K. Murals that would result in a property becoming out of compliance with any other City Ordinance shall be prohibited.
2. Vintage Art Mural Requirements. All murals created prior to the date of adoption of this Ordinance shall be considered existing non-conforming and may be maintained in accordance with Chapter 1117 of this Ordinance.

#### 1145.08 UTILITIES

- 1. All developments shall be served by central water and sewer systems that have adequate capacity to service the proposed use(s) When water and/or sewer line extensions are necessary to service the development of a site, it shall be the developer's responsibility to extend said lines.
- 2. Electric, telephone, and other public utilities shall be located underground, unless otherwise permitted by the Service Director.
- 3. Dry detention basins are discouraged. Wet stormwater basins shall be required, unless determined to be infeasible by the City Service Director. Bioretention basins, or rain gardens, may be used only when approved by the City of Circleville Service Director. All stormwater requirements must also comply with the City Subdivision Regulations and the Ohio Department of Natural Resources Rainwater and Land Development Handbook.

#### 1145.09 ACCESSORY STRUCTURES

##### a) Applicability.

These standards shall apply to all Accessory Structures, except Private Swimming Pools, which are regulated by Section 1145.15.

##### b) Location.

- 1. All Accessory Structures shall be located to the side or rear of the principal Structure. In no case, shall an Accessory Structure be located nearer to the Front Lot Line than the Principal Building.
- 2. Accessory Structures may encroach a required Side or Rear Yard Setback, but in no case, shall an Accessory Structure be located closer than 5 feet from a Lot Line.

3. An Accessory Structure shall not be located closer than 5 feet from the Principal Building or any other Accessory Structure.

c) Height.

Accessory Structures shall not exceed 18 feet in Height.

d) Size.

1. The cumulative area of Accessory Structures shall not exceed nine hundred (900) square feet or 10 percent of the Lot Area, whichever is smaller.
2. If 10 percent of the Lot size is less than 580 square feet, a Lot shall be permitted to have one Accessory Structure up to 580 square feet in area.

*This area intentionally left blank*

Fences shall be permitted if they comply with the following regulations. These regulations do not apply to fences in the HOD. Fences in the HOD shall comply with Section 1141.03(b)(2).

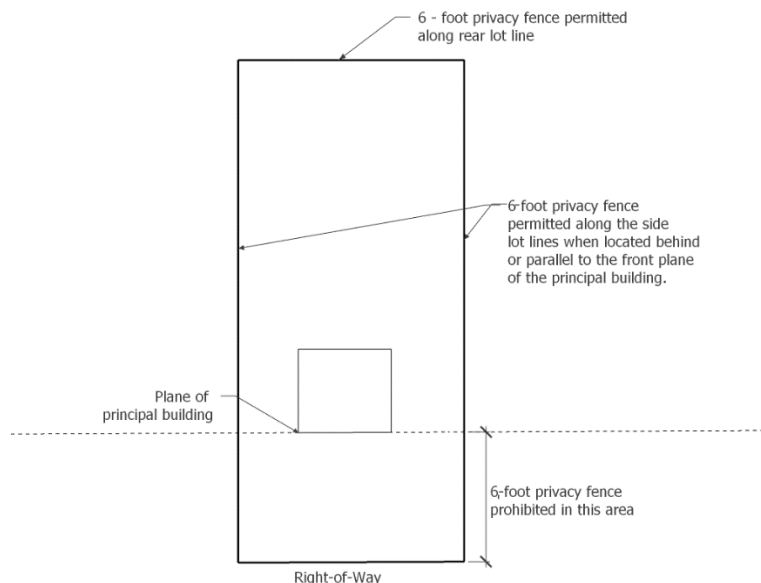
**Table 14**

	LDR	MDR	HSU	TUR	MUR	NB	DB	GB	IE	CS	PUD
Fence Type	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)	Max. Height (Ft.)
Picket	4	4	4	4	4	4	4	4	6	4	Per Approved Plan
Split Rail*	4	4	4	4	4	4	4	4	6	4	Per Approved Plan
Wrought Iron	4	4	4	4	4	4	4	4	6	4	Per Approved Plan
Accent Fence	4	4	4	4	4	4	4	4	6	4	Per Approved Plan
Privacy Fence	6**	6**	6**	6**	6**	6**	6**	6**	8	6**	Per Approved Plan
Chain Link	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	8***	Prohibited	Per Approved Plan

\*Includes the use of welded mesh wired material, provided said material does not extend above the top of the fence.

\*\*Privacy fences are permitted along the side and rear property lines when located behind or parallel to the plane of the principal structure. Privacy fences are prohibited along any front lot line and in the area between the plane of the principal building and any front lot line.

\*\*\*Must be located behind the building and outside of the right-of-way. Such fences are permitted along side and rear lot line but prohibited along a front lot line.



1. The following materials are considered non-suitable materials and are prohibited for all fences in all districts:
  - A. Barbed wire
  - B. Electrically charged wire
  - C. Temporary snow fence (unless used for a construction site)
  - D. Solid concrete block

- E. Pallets
- F. Prongs, spikes or other sharpened edge materials

1145.11 HOME OCCUPATIONS

a) Home Occupations: All Home Occupations shall comply with the following requirements:

1. A Home Occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit. Home occupations shall not be conducted within Accessory Structures, such as garages or sheds.
2. The appearance of the dwelling unit in which a Home Occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting.
3. The Home Occupation shall not generate traffic greater in volume than normal for the subarea.
4. The Home Occupation shall not involve delivery trucks other than normal parcel delivery services.
5. No equipment or processes shall be used in a Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
6. The Home Occupation shall not occupy more than 20 percent of the livable floor area of the dwelling unit.

b) Minor Home Occupations: In addition to the above requirements, Minor Home Occupations must comply with the following requirements:

1. There shall be no employees of the Home Occupation other than a person or person(s) who are residents of the dwelling unit in which the Home Occupation is conducted.
2. There shall be no signs associated with the Home Occupation.
3. The Home Occupation shall not occupy more than 20 percent of the livable floor area of the dwelling unit.
4. There is no permit required for a Minor Home Occupation.

c) Major Home Occupations:

1. There may be up to two employees for the Home Occupation who are not residents of the dwelling.
2. The home occupations may exceed the 20 percent of the livable floor area of the dwelling unit, but in no case shall it exceed 40 percent.
3. The Home Occupation may have one ground/monument sign that does not exceed 10 square feet per sign face, has a maximum height of six feet, and is setback a minimum distance of 10 feet from the right-of-way line.
4. Major Home Occupations in all districts that permit residential uses shall be processed as conditional uses in accordance with the procedures in Section 1113.06. The Major

Home Occupation must comply with the criteria in Sections 1145.10 (a), 1145.10(c), and 1113.06(c) in order for the Board of Zoning Appeals to issue a Conditional Use Permit.

1145.12 FOOD TRUCKS/TRAILERS/FOOD PUSH CARTS/FOOD TENTS

a) Purpose.

The intent of these regulations is to create an entrepreneurial opportunity for the food industry by providing creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety and compatibility with the surrounding areas. This City understands the importance of these start up businesses and the economic benefits they provide by creating additional foot traffic to better support surrounding businesses. These regulations have been crafted to ensure that Food Trucks/Trailers are properly integrated into the overall existing or future streetscape designs of the surrounding area. It is further the purpose of these regulations to limit the time frame for Food Trucks/Trailers to allow ample time for business incubation but also discourage them from becoming permanent fixtures.

b) Applicability

1. These standards apply to all Food Trucks/Trailers that are located on private property within any Business and Employment district. Food Trucks/Trailers shall comply with the requirements of this section. Unless otherwise listed as permitted use in Table 3 of Section 1133, Food Trucks/Trailers shall be prohibited on private property.
2. Food Trucks/Trailers located within the public right-of-way shall be governed by a Food Truck Right-of-Way Permit regulated by a separate section of the City's Codified Ordinances and are not subject to this Zoning Ordinance.
3. All Food Trucks/Trailers and Food Carts shall obtain a license from the City of Circleville prior to operating within the City limits.

c) All Food Trucks/Trailers when located on private property must comply with the following regulations:

1. Food Trucks/Trailers shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the Food Truck/Trailer for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights shall be prohibited.
2. No signs shall be permitted except as follows:
  - A. Signs directly painted or applied directly onto the Food Truck/Trailer shall be permitted.

- B. One small temporary sign that does not exceed eight (8) square feet.
3. The selling of alcohol shall be prohibited.
  4. There shall be one (1) trash receptacle for use by patrons and placed a convenient location that does not impede pedestrian or vehicular traffic. Trash must be removed daily from the site.
  5. The Food Truck/Trailer shall be located on a level parking lot that is entirely paved with asphalt material, cement, cobblestone, or brick pavers in order to enhance the safety of pedestrians and patrons.
  6. There shall be ample parking, as determined by the Zoning Inspector, to serve the Food Truck/Trailer.
  7. All equipment and storage associated with and required for the operations of the Food Truck/Trailer, except for the trash receptacles required in this Section, shall be located on or within the Food Truck/Trailer. This includes any generators.
  8. There shall be no furniture, umbrellas or other objects outside of the Food Truck/Trailer. Any proposed furniture or umbrellas shall be subject to the outdoor dining standards of the applicable district in addition to these regulations.
  9. The Food Truck/Trailer shall have on-site, self contained water, sewer and electrical services (i.e. water and waste water holding tanks; generators, etc..). Such services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians. Connection to the city's water and sewer systems is prohibited. Water and wastewater must be disposed of daily and in accordance with local health department requirements and any other applicable governmental agency regulations. It shall be prohibited to dump waste products onto the ground or into the storm and/or sanitary sewer systems.
  10. When a Food Truck/Trailer is proposed to be located within hundred (500) feet of an existing single family dwelling unit, operations of said Food Truck/Trailer are limited to 10:30 a.m. to 3:30 p.m. daily. The operations of Food Trucks/Trailers in all other locations shall be limited to 6 a.m. and 9 p.m. Sunday – Thursday and 7 a.m. – 11 p.m. Friday and Saturday.
  11. There shall not be obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to or from any business, public building, the remainder of the parking area or adjacent public right-of-way.
  12. There shall be no restriction of the visibility area sight distance at any driveway or intersection.
  13. The Food Truck/Trailer may only operate in the location approved on the site plan for the Zoning Permit and may not be moved to any other location on the property or to a different property within the City without first receiving a new Zoning Permit. Furthermore, the Food Truck/Trailer shall be permitted to operate on any properly zoned property within the City of Circleville for three (3) consecutive calendar days within any seven (7) consecutive calendar days.
  14. Each Food Truck/Trailer shall have a minimum 35 X 15-foot area. Any Food Truck/Trailer that exceeds 27 feet in length shall have a minimum 70 X 15 feet area. In no case shall the combined area of all Food Trucks/Trailers permitted on one lot exceed twenty-five percent of the lot area.

15. The applicant, if not the owner of the property, shall provide written permission from the property owner to utilize the property for a Food Truck/Trailer.

d) Other General Development Standards.

Due to the temporary nature of Food Trucks/Trailers, the General Development Standards in Section 1145 of this Ordinance for parking, signs and landscaping do not apply to these uses.

- e) Permit – If the Food Truck/Trailer is proposed to be located within a zoning district where such use is listed as permitted and the Food Truck/Trailer complies with all of the above standards, the Zoning Inspector shall issue a permit for said Food Truck/Trailer, provided said permit is valid for no more than three (3) consecutive calendar days within seven (7) consecutive calendar days. The Food/Truck Trailer will be limited to the location approved on the zoning permit and said Food Truck/Trailer shall be removed from the premises at the end of the permit period. Food Trucks/Trailers operating in the CS district or a city recognized event are exempt from receiving a permit.
- f) Food Push Carts – Food Push must obtain a license prior to operation. Food Push Carts may operate on private property in the GB, NB, DB, and CS Districts and within the City right-of-way.
- g) Food Tents – Food tents shall comply with the following requirements:
  1. Food tents may be erected on private property in any district for a Special Event.
  2. The property owner must obtain a Special Event/Food Tent Permit from the City prior to erecting a Small or Large Food Tent.
  3. Small Food Tents – There shall be no more than twelve (12) special events on one property within a calendar year. The Small Food Tent shall only be erected for three (3) consecutive days or less for each qualifying Special Event.
  4. Large Food Tents – There shall be no more than six (6) Special Events on one property within a calendar year. The food tent shall only be erected for seven (7) consecutive days or less for each qualifying Special Event.

1145.13 TEMPORARY STRUCTURES

There are only four (4) types of temporary structures that are permitted within the City of Circleville:

a) Portable Home Storage Units

Portable Home Storage Units may be permitted within any residential District, provided the following regulations are met. A Zoning Permit shall be obtained for any Portable Home Storage Unit.

1. Portable Home Storage Units shall be prohibited from being located within any Right-of-Way and may not block any sidewalk or multi-use path.
2. Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the Street.



3. Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
4. Each Portable Home Storage Unit shall not exceed 16 feet in length, eight (8) feet in width, and eight (8) feet in height.
4. Portable Home Storage Units shall be permitted for 30 calendar days within any 365-calendar day period.
5. Portable Home Storage Units shall not be utilized for living purposes.

b) Temporary Construction Trailers/Offices

Temporary construction trailers/offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.

1. The temporary trailer/office shall be prohibited from being located in the right-of-way and shall be setback a minimum of 10 feet from the right-of-way line.
2. It shall not exceed 12 feet in width and 64 feet in length.
3. No more than one temporary trailer/office shall be permitted per construction site.
4. The temporary trailer/office shall only be permitted for a period of one (1) year days in any calendar year. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Board of Zoning Appeals.

c) Mobile Home Units- Mobile Home Units are only permitted within the MHR District and are strictly prohibited in any other District within the City.

d) Food Tents – See Section 1145.11(g).

e) All other buildings and structures within the City of Circleville shall have a permanent foundation. Only those types of temporary structures listed herein shall be permitted when complying with the applicable regulations. All other temporary structures shall be prohibited within the City of Circleville, considered a violation of this Ordinance and punishable in accordance with Section 1115.01.

#### 1145.14 MODEL HOMES

Every residential subdivision that contains ten (10) or more one or two unit lots may have one model home. A Zoning Permit shall be obtained prior to the construction of the model home. The garage for the model home may be converted to a sales office. Prior to the sale of the last lot within the subdivision, the sales office must be converted back to a typical garage. A minimum of four (4) parking spaces shall be provided on site or on the street.

#### 1145.15 CLUSTER MAILBOXES

When cluster mailbox units are required by the U.S.P.S., said units shall be located outside the public right-of-way and appropriately distributed throughout the development. An appropriate

amount of off-street parking spaces shall be provided to ensure proper traffic circulation throughout the development. All cluster mailbox units and associated off-street parking areas shall be privately maintained. Final unit, parking locations and number of off-street parking spaces shall be determined at the subdivision Preliminary Plan state for developments in the LDR and MDR and the Site Plan Design stage for parcels in all other zoning districts.

1145.16 PRIVATE SWIMMING POOLS

a) Permit Required

A Zoning Permit shall be required for the construction or installation of any Private Swimming Pool. The Owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the below requirements.

b) Requirements

No Private Swimming Pool, exclusive of portable Swimming Pools with an area of less than 100 square feet, shall be allowed in any residential District unless such pool complies with the following conditions and requirements. The Owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with these requirements. The following regulations apply to all swimming pools in all districts.

1. The pool is intended to be used solely for the occupants of the principal Use of the property on which it is located.
2. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any Front Yard, nor closer than five (5) feet to any side or rear property line or Structure. All pools must be located behind the main dwelling unit.
3. The area of the Swimming Pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the Lot or parcel.
4. Any private Swimming Pool, or the property on which the pool is located, shall be enclosed by a wall or Fence constructed so as to prevent uncontrolled access. Such wall or Fence shall not be less than four (4) feet in height, maintained in good condition, and affixed with an operable gate and lock. A swimming pool measuring at least four (4) feet in height from grade with a removable ladder or barrier around the ladder is exempt from this wall or Fence requirement. Non removal ladders must have a barrier around the ladder capable of self-latching or be secured to prevent access.
5. All lights used for the illumination of the Swimming Pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the Lot or parcel on which the pool is located.

1145.17 ROOF MOUNTED SOLAR ENERGY SYSTEMS

a) Purpose.

It is the purpose of these regulations to promote the safe, effective and efficient use of Solar Energy Systems to reduce the on-site consumption of utility supplied electricity.

b) Roof Mounted Solar Energy Systems are permitted in all Districts, except the HOD, provided the roof-mounted solar system comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes and the following requirements:

1. Pitched roof-mounted arrays shall be parallel to the roof.
2. The distance between the roof and the uppermost portion of the solar panels shall not exceed 18 inches.
3. Pitched roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be screened in accordance with Section 1145.03(a).

c) Ground Mounted Solar Energy Systems shall be permitted only in the AG and IE districts as conditional uses in accordance with Section 1113.06.

1145.18 ADULT ENTERTAINMENT

a) Purpose

b) The purpose of this Section is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the City.

c) Exceptions

Nothing in this Article shall be construed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
2. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery,

school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

d) Location

1. Adult Entertainment uses shall be considered a conditional use in the GB District and are subject to the following conditions:
  - A. No adult entertainment facility shall be established within 1,500 feet of any residence or District where residences are a permitted use.
  - B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
  - C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
  - D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
  - E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
  - F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
  - G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
  - H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

## Appendix A

The following properties are located on the National Register of Historic Places:

1. Tradition House – 107 N. Court St.
2. The Other Place – 113 N. Court St.
3. Pythian Castle – 114 N. Court St.
4. Savings Bank – 118 N. Court St.
5. Mason Furniture Co. – 119 N. Court St.
6. Crist Bldg – 121 N. Court St.
7. State Liquor Store No. 26 – 112 N. Court St.
8. W.J. Weaver & Son – 126 N. Court St.
9. Columbia Gas of Ohio – 134 N. Court St.
10. East side of South Court St for National Registration of Downtown
11. Lucy's Beauty Shop – 108 S. Court St.
12. H&R Tax Con. & Kay Dee Cosmetics - 110 S. Court St.
13. Fred's Shoe Repair – 112 S. Court St.
14. Giovanni's Pizza – 114 S. Court St.
15. Scioto Buildings & Loan - 120 S. Court St.
16. Saddle Shop – 122 S. Court Street
17. Brown Office Equipment – 124 S. Court St.
18. Margulis, Gussler, Hall & Hosterman Attorneys – 126 S. Court St.
19. St. Pettits Appliance & Sports Shop – 128, 130 S. Court St.
20. Sherwin-Williams Paint Co. – 113 S. Court St.
21. Nationwide Auto Parts – 115 S. Court St.
22. Henn House & Dry Cleaning – 117 S. Court St.
23. Christopher's Don Boutique – 119 S. Court St.
24. Christopher's Don Boutique – 121 S. Court St.
25. Heiskell, W.D. & Son Realtors – 123 S. Court St.
26. City Hall – 125 S. Court St.
- Center of Town – South Court from Franklin St. to Mound St.
27. Parking lot – 204 S. Court St.
28. Knight Travel Service – 206 S. Court St.
29. Credit Bureau – 206 ½ S. Court St.
30. Weldon – 210 S. Court St.
31. Johnson, Lawrence – Insurance – 216 S. Court St.
32. Post Office – 224 S. Court St.
33. Resident of Stout – 225 S. Court St.
34. Pickaway Co. Offices of car reg. House No. 1 – 221 S. Court St.
35. Court House – 205 S. Court St.

- 36. Sheriff's Office and Jail – 139 W. Franklin St.
- 37. Water Department – 114 W. Franklin St.
- 38. Fitzpatrick's Printery – 117 – 119 E. Franklin St.
- 39. Circle Auto Parts – 123 E. Franklin St.
- 40. Welfare Department – 109 E. Mound St.
- 41. Pickaway Arms Restaurant – 115 E. Mound St.
- 42. Mader Funeral Home – 123 E. Mound St.
- 43. David and Trudy Yates residence – 126 E. Mound St.
- 44. St. Phillip's Rectory – 127 W. Mound St.
- 45. Catholic School – 132 W. Mound St.
- 46. St. Joseph's Church and Rectory – 134 W. Mound St.
- 47. Allan and Diane Berger – 116 E. Mound St.

South Court Street - Mound St. to Union St.

- 48. Carl C. Leist – 303 S. Court St.
- 49. Phillip Moore II and brother – 304 S. Court St.
- 50. Harold W. & Pauline Clifton residence – 307 S. Court St.
- 51. Bruce N. Valentine residence & office – 313 S. Court St.
- 52. Eva Shulze – Lenuel B. Welson, Attorney – 316 S. Court St.
- 53. John H. Eveland – Mrs. Harold O. Eveland -317 S. Court St.
- 54. Louise Bennett residence – 318 S. Court St.
- 55. Matilda Heffner residence – 324 S. Court St.
- 56. Geo. Foresman residence – 325 S. Court St.
- 57. Alda Bartley – George Young Attorney – 403 S. Court St.
- 58. William W. Weldon residence – 410 S. Court St.

East Main St.

- 59. First National Bank – 100 E. Main St.
- 60. International Order of Odd Fellow Bldg. – 101 ½ E. Main St.
- 61. Boyers Restaurant – 101 E. Main St.
- 62. Hatfield Ins. & Hatfield Reality – 103 E. Main St.
- 63. George Young Lawyer & Tom Tootle Lawyer – 103 ½ E. Main St.
- 64. Burton Jewelry – 105 E. Main St.
- 65. Center Sentry Hardware & Western Union – 107 E. Main St.
- 66. Vacant – 107 ½ E. Main St.
- 67. Main Barber Shop – 111 E. Main St.
- 68. Macks Tire – 113 E. Main St.
- 69. Joe Goeller Dentist – 113 ½ E. Main St.
- 70. Columbus & Southern Ohio Electric Co. – 114 E. Main St.
- 71. U.S.A. Recruiting St. – 116 E. Main St.
- 72. Investors Loan Corp – 120 E. Main St.
- 73. Betty Conrod – 120 ½ E. Main St.

- 74. Tootle Pumpkin Inn – 117 E. Main St.
- 75. Youth Center – 119 E. Main St.
- 76. Mary E. Jones – 119 ½ E. Main St.
- 77. Evans Reality – 121 E. Main St.
- 78. Linda Haskins – 121 ½ E. Main St.
- 79. Jimmey's Townhouse – 122 E. Main St.
- 80. Stonerocks T.V. – 124 E. Main St.
- 81. Vacant – 124 ½ E. Main St.
- 82. Moats Auto Sales – 125 E. Main St.
- 83. Maures Mk. (Grocery) – 127 E. Main St.
- 84. Vacant – 127 ½ E. Main St.
- 85. Norman Merle Cosmotics Studio – 128 E. Main St.
- 86. Barnes, Geo. Reality – 130 E. Main St.
- 87. Clarence Thomlison – 130 ½ E. Main St.

North Side West Main St.

- 88. Revco Drug Store – 102 W. Main St.
- 89. Revco Drug Store – 104 W. Main St.
- 90. Sharff's Women Apparel – 106 W. Main St.
- 91. Keith's Men's Shop – 108 W. Main St.
- 92. Central Gift – 110 W. Main St.
- 93. Montgomery Ward – 112 W. Main St.
- 94. J. Born Floors – 114 W. Main St.
- 95. Kochheiser Hardware – 116 W. Main St.
- 96. Kochheiser Hardware – 118 W. Main St.
- 97. Monigue Fabrics – 120 W. Main St.
- 98. Western Auto – 124 W. Main St.
- 99. Western Auto – 126 W. Main St.
- 100. Colony House – 128-130 W Main St.
- 101. Little Singer Sewing – 132 W. Main St.
- 102. Lindsey's Donut Shop – 134-136 & 138 W. Main St.
- 103. Bignman Drug – 140, 142, & 144 W. Main St.
- 104. Parking Lot due to big fire – 148, 148 & 150 W. Main St.
- 105. Circleville Reality – 152 W. Main St.
- 106. Schreiner Photos – 154 W. Main St.
- 107. Cablevision – 156 W. Main St.
- 108. Alkire T.V. – 158 W. Main St.
- 109. Ward's Cardinal Market – 160, 162, 164 W. Main St.
- 110. Parking lot for Wards – 166 W. Main St.

West Main Street

- 111. G.C. Murphy Co. – 101 W. Main St.
- 112. City Loan – Third National Bank Directors – 107 W. Main St.

113. Blocks Shoe Store – 109 W. Main St.
114. Blocks Shoe Store – 111 ½ W. Main St.
115. Vacant – 113 W. Main St.
116. L.M. Butch (1<sup>st</sup> and 2<sup>nd</sup> Floors) – 115 W. Main St.
117. Capital Fin. P- Mrs. Joe Bell – 117 W. Main St.
118. (1<sup>st</sup> and 2<sup>nd</sup> Floors) Brunner Estates – 119 W. Main St.
119. Schottenstein Realty – 3<sup>rd</sup> Floor of 115, 117, 119 W. Main St.
120. (old) Merit's – 123 W. Main St.
121. Youth Center – 123 W. Main St.
122. Caddy Miller-Fissell Estate – 125 W. Main St.
123. Lindsey's – 127 W. Main St.
124. King's Dept. Store – 129 W. Main St.
125. Chamber of Commerce – 133-135 W. Main St.
126. J.C. Penney Co. – 137 W. Main St.
127. Washington's Corner – 147 W. Main St.
128. Deg and Children's Shop – 149 – 151 W. Main St.
129. Ford's Furn. – 155 W. Main St.
130. Weaver Furn. – 159 W. Main St.
131. Knopfs Furn. – 167 W. Main St.
132. Gorden Auto Parts & Glass – 201 W. Main St.